



THE REGIONAL MUNICIPALITY OF NIAGARA
WASTE MANAGEMENT
PLANNING STEERING COMMITTEE
AGENDA

WMPSC 1-2020

Monday, January 27, 2020

9:00 a.m.

Committee Room 4

Niagara Region Headquarters

1815 Sir Isaac Brock Way, Thorold ON

	Pages
1. <u>CALL TO ORDER</u>	
2. <u>DISCLOSURES OF PECUNIARY INTEREST</u>	
3. <u>PRESENTATIONS</u>	
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Brad Whitelaw, Program Manager, Policy & Planning	
3.2 <u>Update on Transition of the Residential Blue Box Program to Extended Producer Responsibility</u>	16 - 28
Jennifer Mazurek, Program Manager, Policy, Planning & Engagement	
4. <u>DELEGATIONS</u>	
5. <u>ITEMS FOR CONSIDERATION</u>	
6. <u>CONSENT ITEMS FOR INFORMATION</u>	
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Councillor Information Request	

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	Update on Provincial Initiatives for Extended Producer Responsibility	
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	Garbage Tag Fee Increase	
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	Information on Plastic Garbage Bags	
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	Mandatory Closed-Top Garbage Containers	
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	Nespresso Coffee Capsule Pilot	
6.7	<u>WMPSC-C 9-2020</u>	155 - 163
	2019 Illegal Dumping Summary and 2020 Mitigation Measures	

7. OTHER BUSINESS

8. NEXT MEETING

The next meeting will be held on Monday, March 30, 2020 at 9:00 a.m. in Committee Room 4.

9. ADJOURNMENT

If you require any accommodations for a disability in order to attend or participate in meetings or events, please contact the Accessibility Advisor at 905-980-6000 ext. 3252 (office), 289-929-8376 (cellphone) or accessibility@niagararegion.ca (email).

Appointment of Citizen Members to the Waste Management Planning Steering Committee

Waste Management Planning Steering Committee (WMPSC)

January 27, 2020

Purpose

- At the October 28, 2019 WMPSC Meeting, WMPSC-C 35-2019 recommended that the Waste Management Advisory Committee be discontinued, effective immediately.
 - Report was deferred to the January 27, 2020 WMPSC meeting.
 - Staff were to provide information respecting amending the WMPSC's Terms of Reference (ToR) to include citizen members.
- The purpose of this presentation is to provide draft ToR amendments, along with a process for selection of citizen members, for WMPSC's approval.

WMPSC ToR Amendment

- The existing WMPSC ToR has not been amended since February 2002.
- If WMPSC approves the inclusion of citizen members to its composition, this amendment would be included, as part of a complete update to the existing WMPSC ToR, which would be completed by the Region's Clerks Department.
- Subject to WMPSC's approval of the draft ToR amendments, a Public Works Committee (PWC) report would then be developed, for their approval.

WMPSC ToR – Existing Composition

Section 5.0 - Composition

- a) The Waste Management Steering Committee shall be a sub-committee of the Public Works and Utilities Committee.
- b) The Waste Management Steering Committee will be comprised of a maximum of 12 individuals, including: the Regional Chair, nine (9) Regional Councillors and two (2) representatives from the Waste Management Advisory Committee. The representatives of the WMAC will not have a vote on legal or financial matters.
- c) Additional Officers and/or employees of the Regional Niagara Waste Management Services Division shall serve on the Committee in a resource capacity.

WMPSC ToR – Draft Amendment

Section 5.0 - Composition

- a) The Waste Management Planning Steering Committee shall be a sub-committee of the Public Works Committee.
- b) The Waste Management Planning Steering Committee will be comprised of a maximum of 12 individuals, including: the Regional Chair, nine (9) Regional Councillors and two (2) citizen members. The citizen members will not have a vote on legal or financial matters and will not be present during closed sessions, or receive confidential information.
- c) Additional Officers and/or employees of the Regional Niagara Waste Management Services Division shall serve on the Committee in a resource capacity.

Rationale for Amendments to WMPSC ToR

- The existing WMPSC ToR has not been updated since 2002.
- It currently allows for two (2) representatives from the WMAC, as citizen members.
- If the WMAC is to be discontinued, staff is recommending the existing WMPSC ToR would need to be amended.
- The provision of citizen members on the WMPSC provides for public input into the planning and evaluation process for Waste Management programs, etc.

Analysis of Comparator Municipalities

Seven (7) of Niagara Region's 12 comparator municipalities include a combination of Councillors and/or public members on their waste management advisory and/or standing committee:

- 1) Guelph:
 - Public Advisory Committee
 - 9 public members only (no Councillors)
- 2) Halton Region:
 - Solid Waste Advisory Committee
 - 10 public members; 4 Councillors
- 3) Hamilton:
 - Waste Management Advisory Committee
 - 2 public members; 3 Councillors
- 4) London:
 - Advisory Committee on the Environment
 - 13 public members only (no Councillors)

Analysis of Comparator Municipalities (cont'd)

Seven (7) of Niagara Region's 12 comparator municipalities include a combination of Councillors and/or public members on their waste management advisory and/or standing committee:

5) Ottawa:

- Environmental Stewardship Committee
 - 9 to 11 public members; 1 Councillor
- Standing Committee on Environmental Protection, Water and Waste Management
 - Councillors only (no public members)

6) Peel Region:

- Waste Management Strategic Advisory Committee
 - Councillors only (no public members)

7) Windsor:

- Environment, Transportation & Public Safety Standard Committee
 - Councillors only (no public members)

Analysis of Comparator Municipalities (cont'd)

- Five (5) comparator municipalities do not have a waste management advisory and/or standing committee:
 - 1) Durham Region
 - 2) Simcoe
 - 3) Toronto
 - 4) Waterloo Region
 - 5) York Region

WMAC Chair/Vice Chair on WMPSC

- For this current term of Council, based on discussion at the October 28, 2019 WMPSC meeting, it is being recommended that the past WMAC Chair and delegate would continue to sit on the WMPSC.
- For future terms of Council, Niagara Region would follow the formal application process for selecting two (2) citizen members to sit on the WMPSC.

Recommended Future Process for Selecting Citizen Members for WMPSC

- An online application would be posted on Niagara Region's website, for a period of three (3) weeks, for interested citizens to apply.
- Citizens would need to demonstrate why they would like to sit on the WMPSC, and include their relevant waste management experience.
- Staff reps for WMPSC, in consultation with the WMPSC Chair (and/or Vice Chair), would review all submissions and rank them, based on a best-fit criteria.
- Two (2) citizen members would be chosen and recommended to WMPSC members, for their approval.
- These two (2) citizen members would be submitted to PWC and Regional Council, for final approval.

Recommendation

That WMPSC RECOMMENDS to the Public Works Committee:

- 1. That the Waste Management Advisory Committee BE DISCONTINUED, effective immediately.**
- 2. That the existing WMPSC's Terms of Reference BE AMENDED to include the following composition:**
 - maximum of 12 individuals, including: the Regional Chair, nine (9) Regional Councillors and two (2) citizen members. The citizen members will not have a vote on legal or financial matters and will not be present during closed sessions, or receive confidential information.

Questions?

Update on Transition of the Residential Blue Box Program to Extended Producer Responsibility

Waste Management Planning Steering Committee

January 27, 2020

Definitions

- Waste Free Ontario Act (WFO)
 - Resource Recovery and Circular Economy Act, 2016 (RRCEA)
 - Waste Diversion Transition Act (WDTA)
- Extended Producer Responsibility (EPR)
- Resource Productivity and Recovery Authority (RPRA)
- Stewardship Ontario (SO)
- Industry-Funded Organization (IFO)
- Wind-up Plan
- Association of Municipalities of Ontario (AMO)
- Ministry of the Environment, Conservation and Parks (MECP)

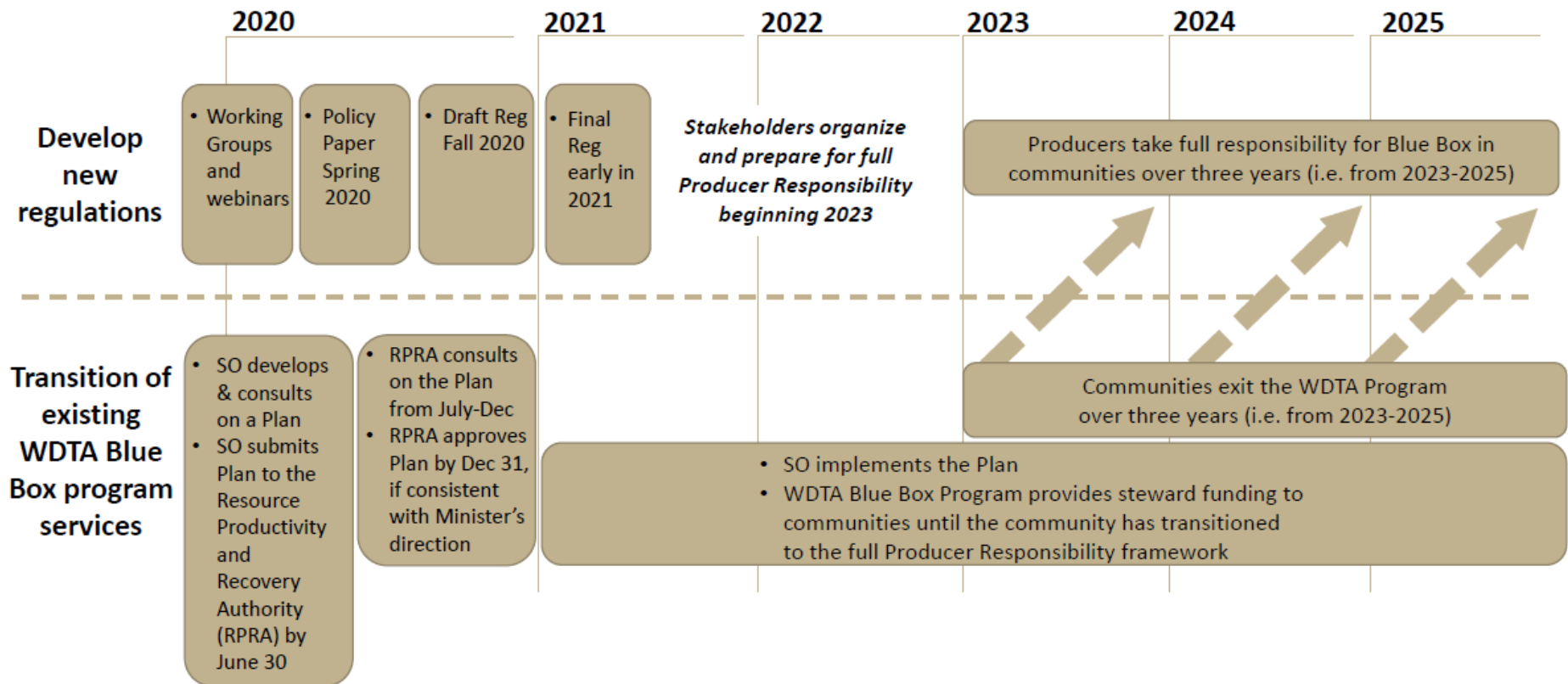
History

- Amended Blue Box Program Plan
- Made-in-Ontario Plan
- Special Advisor's report on Recycling and Plastic Waste
- Direction letter from MECP to SO

Provincial Roadmap

(Excerpted from Provincial Webinar November 27, 2019)

Roadmap to Producer Responsibility for Blue Box



Regulations

MECP will address the following in the new regulation:

1. Definition and scope of designated materials;
2. Collection and accessibility requirements;
3. Management requirements that producers must meet; and
4. Transition approach – criteria to select which communities will transition from the current Blue Box program to the EPR framework under the RRCEA in each of 2023-2025.

Request for Council Resolution

AMO has requested a Council resolution, passed by June 30, 2020, directed to AMO and MECP that specifies:

1. Council's preferred date to transition based on exiting service provision (between January 1, 2023 and December 31, 2025);
2. Rationale for transition date;
3. Whether Council is interested in potentially continuing to provide services (e.g. contract management, collection, haulage processing services etc.) or not; and,
4. Key contacts if there are any follow-up questions.

Blue Box Program Decision Points



1. Timing

What factors influence timing of Niagara's preferred shift date to EPR?

- Method for determining order of transition (dictated to municipalities or self-nomination) and for managing over-subscribed years, in the event that too many municipalities wish to transition at the same time
- Expiration dates of current contracts
- Asset condition and value
- Integrated waste management system
- Potential cost savings with early transition date

What information do we need from the Province?

- Confirmation of method for determining order of transition
- Confirmation of method for determining management of oversubscribed years (if applicable)

2. Niagara Region's Role

What factors influence Niagara Region's decision to bid on collection and haulage, and/or processing of material?

- Existing infrastructure and contracts
- Competition and/or partnerships with the private sector
- Performance standards and targets

What information do we need from the Province?

- Performance standards and targets for collection, haulage and processing

3. Service Levels

What level of service will Niagara Region provide under the new system?

- Some sectors currently serviced by Niagara Region are not expected to be included in the regulations, notably small ICI properties
- Service of any sector not included the regulations would continue to be at full cost to Niagara Region
- There is potential for customer service impact through less tolerance for incorrect set-outs and contamination
- If Niagara Region no longer provides residential Blue Box collection, there may be additional customer impacts (e.g. residential confusion stemming from change in phone numbers/contacts for one material stream).
- Niagara Region will need to decide on the appropriate level of participation with respect to Promotion and Educational material and collection program enforcement

What information do we need from the Province?

- Confirmation of property types to be included in the regulations

Status of RPRA

December 5, 2019: MECP proposed changes to modernize governance, accountability and transparency of Administrative Authorities via the Rebuilding of Consumer Confidence Act

December 29, 2019: MECP approved expansion of RPRA's mandate

January 17, 2020: Article in the Toronto Star regarding loss of RPRA's regulatory powers to investigate industry recycling claims
-no formal announcement forthcoming from RPRA or from the Province to date

MRF Phase 4 Opportunity Review

- Building on Niagara Region's Materials Recovery Facility (MRF) Opportunity Review Phases 1 to 3, the Phase 4 review will develop a recommendation for the preferred ownership structure
- Assessment based on actual market considerations using Negotiated RFP process or another alternative, to determine the best future opportunity for the MRF and minimize the risk of a potentially devalued facility



Questions?

MEMORANDUM

WMPSC-C 1-2020

Subject: Councillor Information Request

Date: Monday, January 27, 2019

To: Waste Management Planning Steering Committee

From: Catherine Habermehl, Director

This memorandum is intended to provide Committee members with an update on the outstanding Councillor Requests from previous meetings.

Waste Management Planning Steering Committee

Meeting Date: October 28, 2019

Minute Item #3.1:

Provide information respecting the tonnage of plastic garbage bags being collected by Niagara Region each year, and ways to mitigate usage. Councillor Gibson.

Follow-up Action: Memorandum WMPSC-C 6-2020 has been submitted to Waste Management Planning Steering Committee for the January 27, 2020 meeting.

Status: Complete

Provide information respecting the definitions of diapers and incontinence products and what differentiates the two waste categories. Councillor Diodati.

Follow-up Action: Niagara Region offers exemptions to the current garbage container limits. Diaper waste and waste generated as a result of a medical condition each require a different type of exemption. The diaper exemption is applicable to households with two or more children under the age of four in diapers. For individuals with a medical condition, which results in the generation of waste including incontinence products, a medical exemption is required to exceed the current garbage container limit.

Below is a summary of the current garbage container exemptions:

Diaper Exemption

- Low-density residential properties (up to 6 units) with two (2) or more children in diapers may place out one (1) clear bag of diapers per unit for weekly collection, in addition to the one bag weekly limit of household garbage.
- Low-density residential properties (up to 6 units) with three (3) or more children in diapers may place out two (2) clear bags of diapers per unit for weekly collection, in addition to the one bag weekly limit of household garbage.

- Daycares operating out of low-density residential properties may place two (2) clear bags of diapers out for collection weekly, in addition to the one bag weekly limit of household garbage.

Medical Exemption

- An individual with a medical condition, which results in the generation of additional garbage (i.e. incontinence products, dialysis bags, non-hazardous medical waste), may apply with a doctor's signature, to receive one or two extra bags each week, based on the doctor's discretion, in addition to the one bag weekly limit of household garbage. This results in the provision of either 52 or 104 free garbage tags annually.

Group Home Exemption

- Group homes, homes for adults with disabilities and homes for assisted living will receive 52 free garbage tags annually. If the home has one or more individuals with a medical condition, a medical exemption is also provided with the group home as the signing authority in place of the physician.

Status: Complete

Minute Item #5.1:

Provide information respecting amending the Waste Management Planning Steering Committee Terms of Reference to include citizen members. Councillor Witteveen.

Follow-up Action: A presentation is being provided to Waste Management Planning Steering Committee for the January 27, 2020 meeting with proposed amendments to the Waste Management Planning Steering Committee Terms of Reference.

Status: Complete

Minute Item #7.1:

Councillor Ugulini requested information respecting enforcement of illegal dumping mitigation measures in consideration of the move to every-other-week waste collection.

Follow-up Action: Memorandum WMPSC-C 9-2020 has been submitted to Waste Management Planning Steering Committee for the January 27, 2020 meeting.

Status: Complete

Minute Item #7.2:

Councillor Ugulini requested information respecting the implementation of mandatory closed top waste collection containers across the Region.

Follow-up Action: Memorandum WMPSC-C 7 2020 has been submitted to Waste Management Planning Steering Committee for the January 27, 2020 meeting.

Status: Complete

Meeting Date: August 26, 2019

Minute Item #3.1:

That staff **BE DIRECTED** to meet with Nespresso Canada to consider implementing the Nespresso “Green Bag” pod recycling program in Niagara Region and report back with options in January 2020

Follow-up Action: Memorandum WMPSC-C 8-2020 has been submitted to Waste Management Planning Steering Committee for the January 27, 2020 meeting.

Status: Complete

Meeting Date: Feb 25, 2019

Minute Item #8.1: MOTION

That staff **PROVIDE** options that could be included in the negotiated request for proposal (RFP) and terms of reference for the Material Recycling Facility Phase 4 Opportunity Review to allow for the Waste Management Planning Steering Committee to provide comments prior to the RFP being released to market.

Follow-up Action: MNP LLP was awarded 2018-RFP-94 Project Consultant and Transaction Advisory Services for Material Recycling Facility (MRF) Opportunity Review – Phase 4, and is the project consultant engaged to develop the negotiated request for proposal (NRFP). The options to be included in the NRFP will be submitted to WMPSC for comment prior to release.

Status: In progress

Meeting Date: May 30, 2016

Minute Item #6.6: Provide information outlining options for the Material Recovery Facility pending legislative changes. (WMPSC-C 25-2016) (Councillor Petrowski).

Follow-up Action: An evaluation of opportunities with regard to the Material Recovery Facility (MRF) is in progress as part of Phase 4 of the MRF Opportunity Review, which is being completed through 2018-RFP-94. Clauses in the contract agreement with Niagara Recycling allow for early termination.

Status: In progress

Public Works Committee

Meeting Date: November 5, 2019

Minute Item #3.1

Provide information respecting the number of waste containers distributed to residents from May 2018 to November 2019. Councillor Insinna

Follow-up Action: The container unit numbers that were sold at various events and that Niagara Region delivered to the container distribution locations between May 2018 and November 2019 are as follows:

Container Type	Unit Number
Blue Box	15,080
Grey Box	15,578
Green Bin	10,961
Kitchen Catchers	6,258

Status: Complete

Budget Review Committee of the Whole

No outstanding waste management related items at this time.

Committee of the Whole

No outstanding waste management related items at this time.

Council

No outstanding waste management related items at this time.

COMPLETED ITEMS

Waste Management Planning Steering Committee

Meeting Date: August 26, 2019

Minute Item #3.2:

Provide information respecting implementing deposits for recycled plastic bottles.
(Councillor Witteveen)

Meeting Date: June 24, 2019

Minute Item #5.1:

Provide information respecting scheduled battery collection from the Niagara Region's comparator municipalities in future reports. (Councillor Diodati)

Minute Item #6.2:

Provide information respecting the breakdown of any forecasted shortfalls and how Niagara compares with municipalities with alternative models such as single stream.
(Councillor Witteveen)

Minute Item #7.1: MOTION

That staff **REQUEST** Nespresso to provide a presentation to the Waste Management Planning Steering Committee on their coffee pod recycling program.

Meeting Date: April 29, 2019

Minute Item #6.6:

Provide the costs and revenues for the Material Recycling Facility.
(Councillor Fertich)

Meeting Date: Feb 25, 2019

Minute Item #4.1:

That Waste Management staff consult with Economic Development as to how to maximize the potential of the Material Recycling Facility (MRF) and the partnership with Niagara Recycling before proceeding with the Phase 4 Opportunity Review RFP.
(Councillor Butters).

Public Works Committee

Meeting Date: September 10, 2019

Minute Item #7.2

Councillor Insinna requested information respecting the number of days curbside waste collection was not completed given the current collections delays.

Meeting Date: August 6, 2019

Minute Item #7.2

Councillor Insinna requested information respecting the use of incineration as an option for future waste management.

Meeting Date: April 16, 2019

Minute Item #7.1:

Councillor Nicholson requested staff arrange to have Emterra Environmental attend a future Council Meeting to provide an update respecting Waste Collection.

Meeting Date: March 19, 2019

Meeting Item #5.3:

Include in the request for proposal pricing information related to reducing container limits for Industrial, Commercial and Industrial, and Mixed-use properties, as well as to maintain current container limits (Councillor Nicholson).

Meeting Item #7.1:

That staff **BE DIRECTED** to provide a report respecting the cost to supply Niagara Region residents with recycling and compost bins.

Meeting Date: February 19, 2019

Meeting Item #9.2:

That staff request Emterra present at a future Public Works Committee meeting to provide additional information. (Councillor Foster)

Respectfully submitted and signed by

Catherine Habermebl
Director, Waste Management Services

MEMORANDUM

WMPSC-C 2-2020

Subject: Update on Provincial Initiatives for Extended Producer Responsibility

Date: Monday, January 27, 2020

To: Waste Management Planning Steering Committee

From: Jennifer Mazurek, Program Manager, Policy, Planning & Engagement

This memorandum provides an update on Provincial Initiatives to support the Waste Free Ontario Act, 2016 (WFO) which is comprised of the Resource Recovery and Circular Economy Act, 2016 (RRCEA) and the Waste Diversion Transition Act (WDTA). Under the RRCEA, the Province is shifting to an Extended Producer Responsibility (EPR) framework for designated material, such as products and packaging (Blue Box material), making producers and brand holders accountable for recovering resources and reducing waste associated with their products. The WDTA allows for the designated materials managed under existing waste diversion programs to be transitioned to the new EPR framework.

Of particular importance, the timing and upcoming decision points that will need to be considered by Council regarding the transition of the residential Blue Box program to EPR are described in this memorandum.

Background

The WFO drives Ontario toward a circular economy, with the aim to eliminate waste throughout the lifecycles of designated materials, and maintain the value of products and materials for as long as possible. This keeps resources within the economy and minimizes waste. EPR is a key part of a circular economy, as design considerations become more important when producers are required to consider end of life management of products and packaging.

Via the WDTA, Resource Productivity and Recovery Authority (RPPRA) oversees three waste diversion programs: Blue Box, Municipal Hazardous or Special Waste (MHSW) and Waste Electrical and Electronic Equipment, hereafter referred to as Electrical and Electronic Equipment (EEE). RPPRA was established in 2016, with authority under the RRCEA to enforce EPR. Tires have already shifted to an EPR system under the RRCEA, with RPPRA as the authority that enforces compliance and manages program-related data. In the case of the residential Blue Box program, the Waste Diversion Act, 2002, established the current 50/50 cost-sharing model for producers and municipalities, under which municipalities are reimbursed for approximately 50% of net costs. Under this cost-sharing model, Stewardship Ontario (SO) manages the funds that

producers provide to Ontario municipalities for the operation of the Blue Box program, and is accountable to RPRA. SO is a not-for profit organization funded and governed by industry stewards, who are the brand owners, first importers or franchisors of the products and packaging materials.

SO also produced a wind-up plan to transition to full EPR for MHSW and will be issuing one for Blue Box, while Ontario Tire Stewardship (OTS), an Industry-Funded Organization (IFO) under SO, was responsible for the wind-up plan for tires. Ontario Electronic Stewardship (OES), another IFO under SO, was responsible for the wind-up plan for EEE and batteries. The wind-up plans are developed for the existing diversion programs, via the WDTA, to ensure there is no disruption to services for residents in the lead up to transition (e.g. continued operation of collection sites, continued compensation for municipalities, etc.), while at the same time ensuring activities associated with the existing programs are wound up properly (e.g. disbursement of excess funds, wrap up of service provider contracts, etc.). Development of the plans and the associated approval by RPRA ensures stakeholder consultation is incorporated, while defining SO's assets, liabilities, rights and obligations in relation to the existing programs.

A key action item in the Province's Made-in-Ontario Plan, released on November 29, 2018, specifically refers to and reinforced the Province's position on EPR: "Make producers responsible for the waste generated from their products and packaging" (<https://prod-environmental-registry.s3.amazonaws.com/2018-11/EnvironmentPlan.pdf>). Committee was informed of this plan in WMPSC-C 9-2019. The plan included a focus on reducing litter and waste and keeping our land and soil clean. A discussion paper titled "Reducing Litter and Waste in Our Communities" was released on March 6, 2019, offering the following commitments:

- Reducing and diverting food and organic waste from households and businesses;
- Reducing plastic waste;
- Reducing litter in our neighbourhoods and parks;
- Increasing opportunities for the people of Ontario to participate in waste reduction efforts.

Blue Box

A transition for the Blue Box program was first proposed in Ontario's Strategy for a Waste-Free Ontario in February 2017, with commencement of the EPR slated for 2023, and for which SO submitted their amended Blue Box Program Plan. This plan was not submitted to or approved by RPRA but did lay groundwork for future discussions. The Province has now defined timelines for the transition of the residential Blue Box program, which are outlined below.

Key Recommendations of Special Advisor's Report on Recycling and Plastic Waste

On June 6, 2019, David Lindsay was appointed Special Advisor on Recycling and Plastic Waste, and designated with the responsibility of producing a report outlining how the Province should transition the residential Blue Box program to EPR. The report was released on August 6, 2019 and provides recommendations about timelines for transition, materials, targets, and collection requirements. The report is discussed in more detail in WMPSC 32-2019 but key recommendations are as follows:

- A six-year transition period from 2019 through 2025 that includes a one to one-and-a-half-year period for consultation and regulation development and a two-year period for producer preparation, followed by a phased three-year period from 2023 to 2025 for transfer of responsibility from municipalities to producers;
- Flexibility for producers through both continuation of Blue Box collection and allowing for collection of some packaging through other methods;
- Establishment of specific targets that progressively increase over time, for different types of printed paper and packaging material;
- As producers assume responsibility, collection must be provided to every low-density residential property and similar location that had previously received municipal Blue Box service. There will be no expansion of services during the transition period and afterward, collection should expand in multi-residential properties, parks and public spaces, but would not include Industrial, Commercial and Institutional (ICI) properties. Rather, the province should modernize the regulatory framework for ICI properties to improve diversion rates and better align with materials recycled through the Blue Box Program.

Provincial Timelines and Actions Related to the Transition of the Blue Box Program

On August 15, 2019, the Ministry of Environment and Climate Protection (MECP) issued a direction letter, instructing SO to develop a plan to outline how the current program will operate during the three-year transition period. This plan is due to RPRA no later than June 30, 2020 and RPRA must approve the plan, if it is consistent with the Minister's transition direction, no later than December 31, 2020.

On November 27, 2019, MECP hosted a webinar, titled "Developing Producer Responsibility Regulation for Blue Box" (Appendix A), to provide stakeholders with information about the Province's next steps. A key next step in the process is the development of the new Blue Box regulations under the RRCEA. Niagara Region is a member of the Municipal Working Group that will be providing input into the regulations. Separate Stakeholder Working Groups also exist for both Producers and a Circular Economy (includes manufacturers of unbranded packaging and products, waste management services providers that haul and process Blue Box materials, and industries that receive processed Blue Box materials and use it for feedstock in new products). The regulations will define outcomes in key areas including:

1. A hierarchy of producers that are responsible for meeting outcomes;
2. Materials to be collected;
3. Collection and management requirements; and
4. Registration and reporting (overseen by RPRA).

Specific timelines were confirmed by the MECP, consistent with those recommended in the Special Advisor's report:

Timelines specific to new regulations:

- 2019 - 2020 – Draft Regulations
- 2021 – Approval of Regulations
- 2021 - 2022 – Stakeholders organize and prepare for EPR
- 2023 - 2025 – Producers take full responsibility from communities

Timelines specific to WDTA Blue Box program services:

- 2020 – SO develops plan for transition and submits to RPRA
- 2020 – RPRA approves plan by Dec 31
- 2021 – 2025 – SO implements plan and each community continues to be funded until transition to EPR complete, with all communities complete by the end of 2025

In the spring of 2020, MECP will post a policy paper that describes the proposed details of the new Blue Box system. In the fall of 2020, the draft EPR regulations and potential regulatory amendments will be released. When developing the regulation, MECP will consider:

1. Definition and scope of the designated materials;
2. Collection and accessibility requirements;
3. Management requirements that producers must meet; and
4. Transition approach – criteria to select which communities will transition from the current Blue Box program to the EPR framework under the RRCEA in each of 2023-2025.

The province will also consider defining the responsible producer, registering, reporting and record-keeping requirements, and audit requirements.

Blue Box Program Decision Points

Niagara Region's input into the transition process continues to be important. As noted above, Niagara Region will participate in the Stakeholder Working Group sessions. In 2020, Niagara Region will need to make several important decisions. While no regulations are currently finalized, staff anticipate that Niagara Region will need to communicate the following to the Province:

1. Timing - When the shift to EPR should occur for Niagara residents

- Methodology has not yet been defined, but staff anticipate that the order of transition will either be dictated to municipalities (based on contract expiry dates, location, economies of scale, etc. as designed by an expert authority), or, that municipalities will be able to self-nominate (identify preferred year of transition). Self-nomination is preferred by Niagara Region staff to allow for consideration of local priorities and to evaluate system cost implications.
- When identifying a preferred year for transition, considerations will include expiration dates for current contracts, asset condition and value, prescribed method of handling over-subscribed years, and the balance of the integrated waste management system (i.e. how services that Niagara Region continues to provide will integrate with the new Blue Box system).
- From 2023 to 2025, municipalities that have not yet transitioned will continue to be responsible for 50% of net costs related to collection and haulage, another key factor that will impact Niagara Region's direction.

2. Role - What role, if any, Niagara Region will occupy moving forward with respect to collection and processing

- While no regulations have been released yet, it is expected that municipalities will have the opportunity to bid on the collection, haulage and processing of residential Blue Box materials. A municipality's decision to bid on one or more aspects of the process will be based on a number of factors, including existing infrastructure and contracts. Municipalities may have the opportunity to bid on the work in partnership with the private sector or as part of a coalition with other municipalities.
- Municipalities will be competing with the private sector to provide processing services, leading to the risk of a potentially devalued Material Recovery Facility (MRF) in the event that Niagara Region bids but does not secure a processing contract. Additional information about the status of the MRF review is provided below.
- Municipalities acting on behalf of Producer Responsibility Organizations (PROs) will need to meet prescribed performance standards, yet to be released, which may influence the decision to bid on services.

3. Service levels for Niagara Region

- The Industrial, Commercial and Institutional (ICI) sector is not expected to be included in the regulations. As noted above, the Special Advisor's report recommends that Blue Box services not be expanded to the ICI sector, but instead that the regulations specific to these properties be strengthened. Niagara Region currently provides curbside service to smaller ICI properties and Council will need to decide if service should continue to be provided for this sector, at full cost to Niagara Region.
- Uncertainties remain regarding inclusion of some types of properties that Niagara Region currently services (e.g. parks, schools, and long-term care facilities.) The Special Advisor's report recommended gradual expansion to collection in Multi-Residential buildings, as well as parks and public spaces where municipalities provide waste collection. These examples encompass property types that Niagara Region and other municipalities currently service. Council may need to decide if service should continue for these sectors not included under the new regulations, at full cost to Niagara Region.
- There is the potential for customer service impact, in that there may be less tolerance for incorrect set-outs and contamination. If Niagara Region no longer provides residential Blue Box collection, there may be additional customer impacts (e.g. residential confusion stemming from change in phone numbers/contacts for one material stream).
- Other considerations include provision of Promotion and Educational material (P&E) and collection program enforcement.

In order to make informed recommendations for the Blue Box transition, Niagara Region staff require details about the regulations from the Province, expected to be forthcoming in the first half of 2020. Staff will bring this information forward to allow Council to decide upon preferred transition date, service levels Niagara Region will offer, and what, if any, services Niagara Region will continue to provide or offer on behalf of the PROs.

MRF Phase 4 Opportunity Review

This review will develop a recommendation for the preferred MRF ownership structure, considering the transition of the residential Blue Box program to EPR. An assessment will be based on actual market considerations using the Negotiated Request for Proposal (NRFP) process, among other possible alternatives, to determine the best future opportunity for the MRF and minimize the risk of a potentially devalued facility.

There are a number of potential transactional options and/or ownership structures which may be considered and will be compared to status quo.

These transaction options will be submitted to Waste Management Planning Steering Committee for input and may include the following:

- outright sale of the property;
- lease transaction;
- a joint venture arrangement for the MRF; or
- other arrangements including but not limited to royalty structures and processing contracts.

A Fairness Advisor has been engaged to be involved throughout the review and the project consultant awarded the RFP for this work is MNP LLP. It is anticipated that a recommendation report will be submitted to Council in late May or early June 2020.

AMO Request for Council Resolution by June 30, 2020

On December 18, 2019, the Association of Municipalities Ontario (AMO) sent a letter (Appendix B) to all Municipal Council and municipal waste administrators with responsibilities related to the provision of Blue Box services, including Niagara Region, requesting a Council resolution, passed by June 30, 2020 and directed to AMO and MECP that specifies:

1. Council's preferred date to transition based on exiting service provision (between January 1, 2023 and December 31, 2025);
2. Rationale for transition date;
3. Whether Council is interested in potentially continuing to provide services (e.g. contract management, collection, haulage processing services etc.) or not; and,
4. Key contacts if there are any follow-up questions.

Importantly, AMO notes in the letter that the stated preference may not be the final determination of Niagara Region's transition date, nor is Niagara Region obligated in any way by the date specified in the resolution.

Tires

Used tires were the first material to transition to an EPR regime. On January 1, 2019, producers assumed responsibility. Each producer registered with a PRO to accept the used tires returned in Ontario, and RPRA assumed responsibility for compliance and management of financial and program reporting requirements related to the new system. Although Niagara Region was not being compensated for the collection of used tires, the Region continued to collect tires at the residential drop-off depots as a service for residents. Niagara Region entered into an agreement with YESS, a PRO, to haul all collected tires. For a number of months, YESS experienced issues with picking up and

taking away tires for processing, which resulted in a backlog at Niagara Region's drop-off depots. The cause of the delays was due to YESS not being able to secure tire-processing capacity in the Niagara area. A new agreement with e-Tracks was made and they have been hauling since June with no issues. Niagara Region collected 139 tonnes of tires from residents in 2018 and 220 tonnes in 2019.

MHSW

Niagara Region currently accepts MHSW at permanent depots year round (Niagara Road 12 Landfill, Humberstone Landfill, Thorold Yard Household Hazardous Waste Drop-off Depot and Bridge Street Residential Drop-Off Depot). The new regulation for the designated waste (other than single-use batteries) under MHSW comes into effect July 1, 2021. Following a presentation by RPRA in October of 2019 (Appendix C), Niagara Region submitted comments regarding the proposed wind-up plan for SO (Appendix D). Until the wind-up date, the program will continue to operate without disruption. On December 20, 2019, the Minister of MECP issued a direction letter to SO and RPRA, clarifying that all residual funds remaining upon completion of the program should be returned to stewards. SO will make revisions to its wind-up plan to address this direction, and it is expected that RPRA will approve the revisions no later than February 29, 2020. On January 8, 2020, SO sent notification that RPRA has approved the MHSW wind-up plan, subject to conditions related to deadline date submissions for stewards to submit adjustments to prior reports (to align with RPRA's data submission requirements), completion of the aforementioned changes related to residual funds and any others that arise related to operational and implementation issues, as well as provision of any information required to assist RPRA. The rules defining reporting and payment obligations by stewards for the period of January 1, 2020 until wind-up of the MHSW program were also approved, and SO will now implement the wind-up plan. At this time, there is no further change or decision point required by Council regarding this material stream.

EEE and Batteries

Niagara Region currently accepts EEE, for recycling at permanent residential drop-off depots year round (Recycling Centre, Niagara Road 12 Landfill, Humberstone Landfill and Bridge Street Residential Drop-Off Depot). OES operates the recycling program for EEE in Ontario under contract, and at no cost to Niagara Region, OES also provides collection service to eligible Multi-Residential properties. Additional details about this program are available in WMPSC-C 20-2016. With respect to single-use batteries, since the pilot in 2012, Niagara Region has also offered an annual one-week curbside battery collection period. In 2019, 7,142 kg of batteries were collected curbside between April 22 to April 26 (WMPSC-C 22-2019).

The Province has directed that EEE must transition to EPR by January 1, 2021. The new regulation for batteries, currently handled as part of the MHSW stream, comes into effect July 1, 2020. As EEE and batteries are often used together, the shift for batteries allows for a coordinated policy approach. Niagara Region provided comments on the proposed regulations on June 21, 2019 (Appendix E). On September 3, 2019, RPRA approved the OES wind-up plan (with conditions).

Until the wind-up date, the current EEE program will continue to operate without disruption. As of the date of this memo, there is no further information regarding the final regulations and staff are awaiting a detailed update from the Province.

RPRA

On October 28, 2019, the Province proposed the following changes in the mandate of RPRA:

1. Change RPRA's mandate to include digital reporting services, fee setting, and cost recovery for other programs beyond producer responsibility;
2. Allow the ministry to set guidance on fee structures for the programs that RPRA will be providing digital reporting services;
3. Other changes –
 - a. Recover ministry costs more efficiently through a Minister's order;
 - b. Amend the WDTA to allow the transfer of residual surplus funds left at the end of transition, from an IFO to RPRA;
 - c. Permit future regulations that could assign additional duties and powers to RPRA.

Niagara Region submitted comments on November 25, 2019 (Appendix F) and is generally supportive of the move to digital reporting as a means of increasing efficiency and accessibility, and reducing paper waste. With respect to specific program changes, Niagara Region recommends consideration of recycling programs for materials such as shingles, mattresses, carpets, porcelain and concrete. Finally, the continued oversight of new and existing programs by the Province is recommended. On December 29, 2019, the decision to change RPRA's mandate to include digital reporting services through its registry for a wider range of waste and resource recovery programs was posted. To change the mandate, the RRCEA, the Environmental Protection Act (EPA) and WDTA were amended.

On December 6, 2019, the Minister of MECP also informed stakeholders of minor changes proposed to the RRCEA that affect RPRA. The following changes were proposed as part of legislative amendments to modernize the governance, accountability and transparency of the Administrative Authorities overseen by the Ministry of Government and Consumer Services (MGCS), via the Rebuilding of Consumer Confidence Act (the Bill):

1. The Minister can appoint a Chair from among the members of the RPRA Board.
2. The Minister can request disclosure of compensation information from among the RPRA board of directors, officers and employees.
3. The requirement to table RPRA's annual report in the Legislative Assembly has been removed, but RPRA must continue to post the report on their website by the annual deadline of June 1.

These changes will come into effect upon Royal Assent of the proposed Bill.

Green Bin

Although not a material regulated under existing SO programs, Ontario's Food and Organic Waste Framework has an associated Action Plan and Policy Statement to support the circular economy. Food and organic waste from residential and ICI sectors is an important material stream to manage and the Province's direction will impact Niagara Region. The Policy statement came into effect on April 30, 2018, and report WMPSC-C 28-2018 offers a thorough overview of strategic commitments to be taken by the Province to address food and organic waste, and how these actions could impact Niagara Region's programming. For example, the Province has included a ban on food and organic waste from ending up in disposal sites, to be phased in beginning in 2022. Staff are currently awaiting further information on how this ban will be implemented and enforced, but preliminary investigations regarding capacity and cost have been completed.

As of the date of this memo, there has been no further information released regarding action items or next steps for municipalities, and staff are awaiting an update from the Province.

Next Steps

Staff will advise Council accordingly if funding models change for any of our current collection programs with the transition to EPR. Staff will also continue to be active participants in future consultations by the Province on related guides and regulations, and to report back to Committee with updates on all programs.

Respectfully submitted and signed by

Jennifer Mazurek,
Acting Waste Management Program Manager

Appendices

- Appendix A MECP Webinar Presentation: Developing Producer Responsibility Regulations for Blue Box
- Appendix B Letter from AMO to Municipal Councils
- Appendix C RPRA Consultation: Municipal Hazardous or Special Waste (MHSW) Program Wind-Up Plan
- Appendix D Niagara Region Comments on RPRA Consultation on the MHSW Wind-Up Plan
- Appendix E Niagara Region Comments on Regulation for Recycling of Electrical and Electronic Equipment (EEE) and Batteries (EBR Registry Number: 019-0048)
- Appendix F Niagara Region Comments on ERO 019-0671 Changing the Mandate of the Resource Productivity and Recovery Authority

Ministry of the Environment, Conservation and Parks

Developing Producer Responsibility Regulations for Blue Box

Webinar Presentation

November 2019

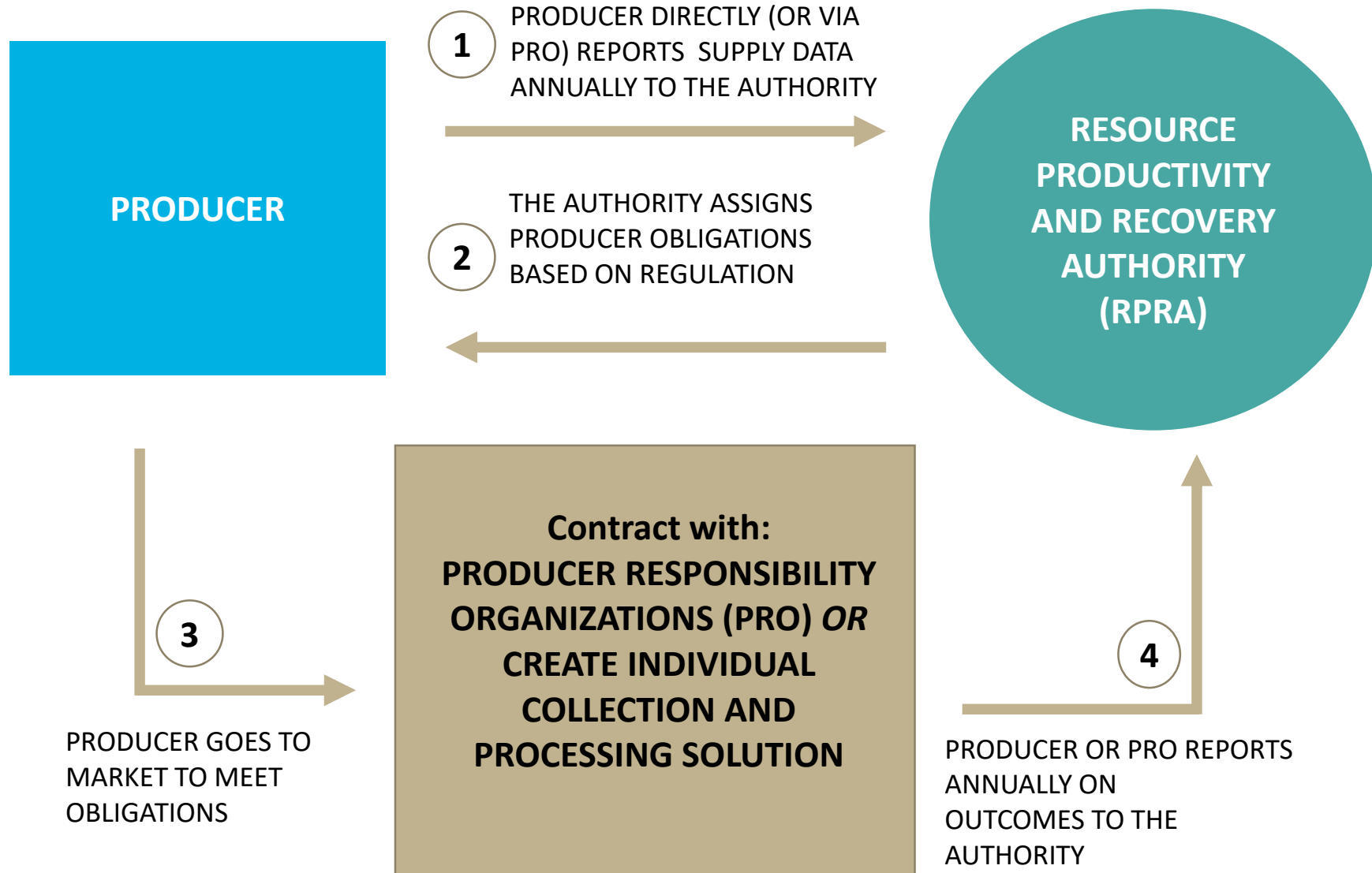
Improving the Blue Box – How Did We Get Here?

- Ontario recognizes the need to improve diversion, reduce plastic waste, and tackle litter.
- The draft Made-in-Ontario Environment Plan commits to transition Ontario's recycling programs to a new Producer Responsibility approach. Key elements include:
 - Outcomes-based regulations to reduce burden
 - Flexibility and innovation to meet requirements in the market
 - Improved oversight to verify diversion outcomes
 - Seamless transition for consumers and citizens
- On June 6, 2019, Mr. David Lindsay was engaged as a Special Advisor to engage with key parties and provide the government with recommendations on how to move forward with producer responsibility for Ontario's Blue Box services.
 - Mr. Lindsay met stakeholders from June-July, and delivered his final report on July 20, 2019.
 - The report outlined recommendations regarding materials, targets, collection requirements – but most critically, timing.

Current Status of the Blue Box

- On August 15, 2019, the Minister directed Stewardship Ontario to develop a plan under section 14 of the *Waste Diversion Transition Act, 2016* (WDTA), that aligns with Mr. Lindsay's recommended timing.
 - SO must consult stakeholders and submit a plan to the Resource Productivity and Recovery Authority by June 30, 2020.
 - The Authority is expected to approve this plan by December 31, 2020, if it is consistent with the Minister's transition direction.
- The next step is to develop new Blue Box regulations under the *Resource Recovery and Circular Economy Act, 2016* (RRCEA).
 - In developing the regulations, the ministry will invite stakeholders to participate in Working Groups. These groups will provide the ministry with a diverse and balanced range of perspectives, including from industry, municipalities and service providers.
 - The contributions of these Working Groups will inform further public consultations on the proposed policy and regulations.

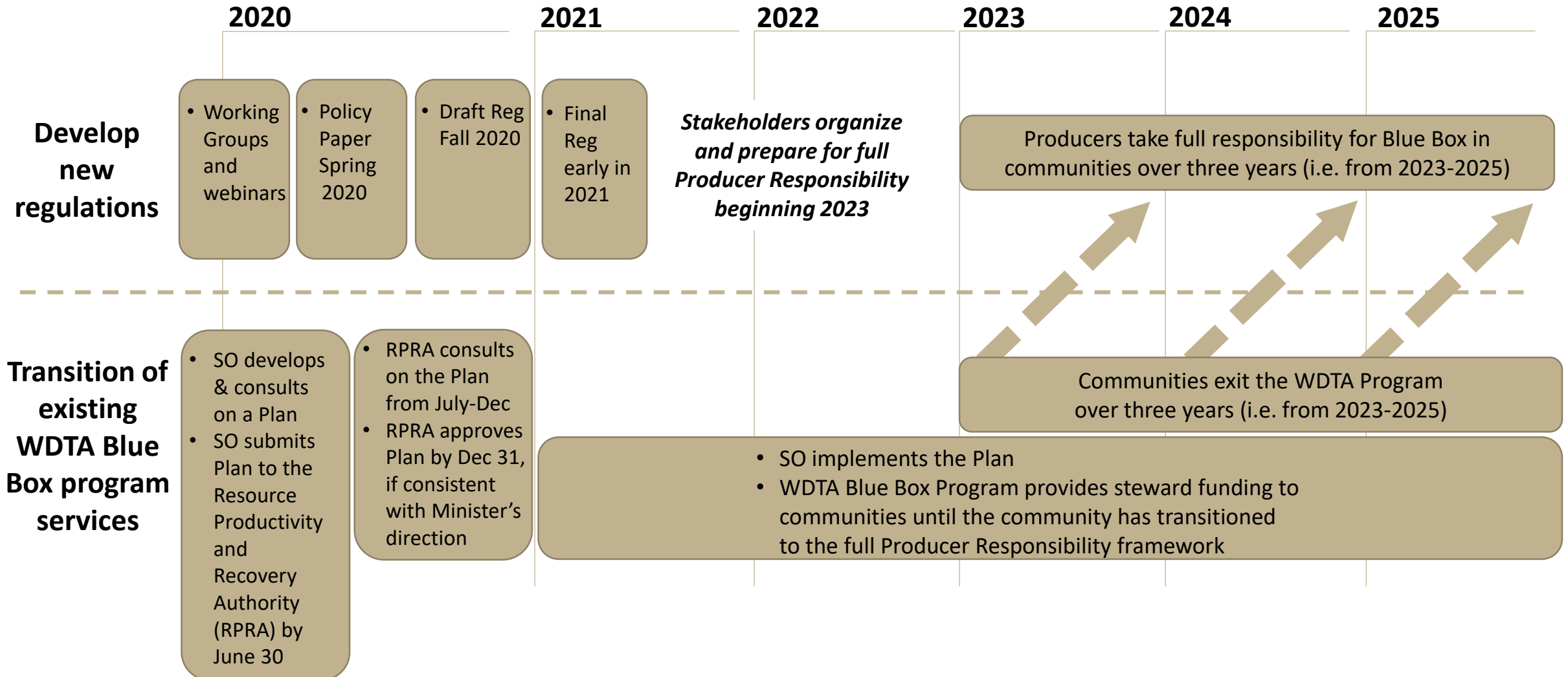
Overview of Ontario's New Approach



Key Elements of an EPR Regulation

- Regulations under the *Resource Recovery and Circular Economy Act* (RRCEA) replace government-approved stewardship plans
- Regulates outcomes in key areas, including:
 1. A hierarchy of producers that are responsible for meeting outcomes
 2. Materials to be collected
 3. Collection and management requirements
 4. Registration and reporting
- Authority provides oversight, compliance and enforcement
- Regulated parties register with the Authority and have some reporting and record-keeping requirements

Roadmap to Producer Responsibility for Blue Box



Stakeholder Working Groups

- The ministry is proposing to establish three Working Groups to accommodate stakeholders' input into the regulations:
 - A **Producer** group including representation from large brand holders and producer associations, and retail, restaurant, grocery sectors.
 - A **Municipal** group including representation from urban, rural, and all geographic regions across Ontario as well as associations for municipalities and managers of multi-residential buildings.
 - A **Circular Economy** group including manufacturers of unbranded packaging and products, waste management service providers which haul and process Blue Box materials, and industries that receive processed Blue Box materials and use it for feedstock in new products.
- Working groups are a forum for participating stakeholders to provide information and technical advice to inform the ministry's initial policy development.
- Membership on the working groups is intended to provide the ministry with input from a broad cross-section of engaged stakeholders while keeping the group sizes manageable.
- The ministry will work also with **First Nations and Indigenous communities** to receive their input and feedback during this process.

Engagement Beyond the Working Groups

- As there is a high level of interest related to Blue Box transition, it is not possible to engage all interested stakeholders via Working Groups, but it is important that all stakeholders have opportunities to provide input to the Ministry.
- Three series of **webinars** will be held at each milestone of regulatory development to allow all stakeholders to provide feedback:
 - **November 27/28, 2019** – at the launch of the regulatory development process
 - **Spring 2020** – with the release of a policy paper that describes the proposed regulatory system
 - **Fall 2020** – with the posting of draft regulations on the Environmental and Regulatory Registries
- Between these webinars, stakeholders who are interested in the Working Groups' discussions should contact their representative associations to receive updates and provide input on the discussion topics.
- The Ministry will post two documents on the Environmental and Regulatory registries for your review and comment:
 - **Spring 2020** – policy paper that will describe the proposed details of the new Blue Box system
 - **Fall 2020** – draft producer responsibility regulations and potential regulatory amendments.

Key Considerations

Development of the regulation for Blue Box materials will be a complex task. To provide the needed information, the ministry will consider four initial key areas as it develops its Blue Box policy:

1. Definition and scope of the designated materials, e.g.:

- What products and/or packaging materials must be managed? (e.g., convenience, transport and primary/secondary packaging; single-use plastic and paper products)?
- How should material categories be set?; Should categories help discern between highly-recyclable and poor performing materials, and should there be a few broad categories or long lists of materials?
- What factors should be considered making changes to designated materials or material categories? What information exists, and how can it be transparently shared, to substantiate any decisions on changes?
- Are there materials which could have obligations outside the Blue Box common collection system? (e.g., compostable packaging, or packaging managed through deposit return, take-back or green bin programs such as coffee pods)

2. Collection and accessibility requirements, e.g.:

- What sources must be collected from?
- What should be the minimum standard level of service in communities?
- What standards should be required for collection bins?

Key Considerations (2)

3. **Management requirements** that producers must meet, e.g.:
 - What would be appropriate targets for highly-recyclable materials and poor-performing materials?
 - What should count towards diversion? (e.g., reuse; recycled and used in making new products; used as aggregate)
 - How to reduce residual materials sent to landfill? (e.g. energy recovery when all other options are exhausted)
 - What recycling standards or other requirements should be required by regulation to ensure recycling facilities can process materials at a satisfactory level?
 - How can the regulation recognize, encourage, or require waste reduction? (e.g., recycled content; recyclability; refillable containers; etc.)
4. **Transition approach** – what criteria should be used to select which communities will transition from the current Blue Box program to the new producer responsibility framework under the RRCEA in each of 2023-2025?
 - In addition to these key areas, the ministry will also consider:
 - Defining the responsible producer
 - Registering, reporting and record-keeping requirements
 - Audit requirements

Next Steps

- The next webinar will be planned for Spring 2020 to coincide with the release of the Blue Box Policy Paper for public comment.
- Further questions can be directed to the Resource Recovery Policy Branch at RRPB.mail@ontario.ca

Appendices

Invited Working Group Members – Producer, Municipal groups

Producers (15 total)

- Amazon Canada
- Canadian Beverage Association
- Canadian Federation of Independent Business
- Canadian Federation of Independent Grocers
- Canadian Tire
- Coca-Cola
- Food and Consumer Products of Canada
- Loblaw
- Magazines Canada
- News Media Canada
- Procter & Gamble
- Restaurants Canada
- Retail Council of Canada
- Unilever Canada
- Wal-Mart

Municipalities (28 total)

- Association of Municipalities of Ontario
- Association of Condominium Managers of Ontario
- City of Cornwall
- City of Hamilton
- City of London
- City of North Bay
- City of Ottawa
- City of Sarnia
- City of Sault Ste. Marie
- City of St. Thomas
- City of Thunder Bay
- City of Toronto
- City of Woodstock
- District Municipality of Muskoka
- Durham Region
- Essex-Windsor Solid Waste Authority
- Federation of Northern Ontario Municipalities
- Halton Region
- Lambton County
- Municipality of Chatham-Kent
- Niagara Region
- Northwestern Ontario Municipal Association
- Oxford County
- Peel Region
- Regional Public Works Commissioners of Ontario
- Rural Ontario Municipal Association
- Simcoe County
- York Region

Invited Working Group Members – Circular Economy group

Circular Economy (13 total)

Waste Management Industry

- Atlantic Packaging
- Emterra
- Green For Life/Canada Fibers
- Miller Waste
- Ontario Waste Management Association
- Owens-Illinois
- ReVital Polymers
- Waste Connections of Canada

Packaging Material Sector

- Canadian Manufacturers and Exporters
- Canadian Plastics Industry Association
- Carton Council of Canada
- Compostables Canada
- Paper and Paperboard Packaging Environmental Council

December 18, 2019

Attachment 1: Background on Transition to Full Producer Responsibility

Municipal governments have been advocating for over a decade for producers to have full fiscal and operational responsibility for end of life management of their packaging, printed paper and paper products. Producers are best positioned to reduce waste, increase the resources that are recovered and reincorporated into the economy and enable a consistent province-wide system that makes recycling easier and more accessible.

In August 2019, Minister Yurek announced that municipal Blue Box programs will be transitioned to full producer responsibility over a three-year period based on the recommendations from the Special Advisor's report titled, "Renewing the Blue Box: Final report on the blue box mediation process." Municipal governments played a key role in helping to develop the recommendations within this report. These recommendations broadly reflected the positions advocated by AMO and there was also a great deal of alignment with producers on how the Blue Box should be transitioned.

The municipal transition is proposed to occur between 2023 and the end of 2025, as shown in the table below:

Date	Description
Sept. 2019 → Dec. 2020	Blue Box wind-up plan developed for Stewardship Ontario
	Development of a Regulation under the <i>Resource Recovery and Circular Economy Act</i> , 2016
Jan. 2021 → Dec. 2022	Producers prepare to assume control and operation of system and work with municipal governments and service providers
Jan. 1, 2023 → Dec. 31, 2025	Transition of individual municipal Blue Box programs to full producer responsibility. Occurs in phases over three years with a rolling total of up to one-third of the Provincial program transitioning annually

The Minister wants to ensure that the transitioned Blue Box system is affordable for producers, workable for the waste processing sector, and effective and accessible for residents. AMO and municipal representatives are involved in the consultation process to develop a new regulation for the Blue Box. The Province's intent is to finalize a Regulation by the end of 2020.

AMO staff held in-person workshops on the Blue Box transition across the Province through October and November 2019 to discuss this topic with municipal waste management staff. Over 165 staff and elected officials attended the sessions in Vaughan, London, Smiths Falls, North Bay and Dryden. The workshops provided an opportunity to engage directly with our sector to build understanding about this transition process and the level of engagement from attendees was excellent.

We also began the discussion about what municipal governments should take into consideration about how to prepare for this change and what factors might be considered as to when a Council might want to transition.

HOW YOUR RESOLUTION WILL HELP INFORM THE DISCUSSION:

The resolutions will be used to map out an ideal transition timeline, and determine whether there are years that are over or under subscribed, as it has been dictated that a rolling total of up to one-third of Blue Box programs can transition each year. This information will also allow AMO and the Province to better understand whether there are conflicts. If there are too many conflicts, the Province may still need to retain a third-party expert to develop a methodology as to how municipal Blue Box programs will transition.

However, rather than deferring to the Province to retain an expert immediately, we think this information would provide a good basis for a more informed decision to be made.

Attachment 2: Sample Resolution

Your Council's stated preference may not be the final determination of your transition date, nor are you obligated in any way by the date that is specified. The resolution will be used to map out an ideal transition timeline, and determine whether there are years that are over or under subscribed, as it has been dictated that a rolling total of up to one-third of Blue Box programs can transition each year. This information will also allow AMO and the Province to better understand whether there are conflicts. If there are too many conflicts, the Province may still need to retain a third-party expert to develop a methodology as to how municipal Blue Box programs will transition.

Resolution on Transition to Full Producer Responsibility

WHEREAS the amount of single-use plastics leaking into our lakes, rivers, waterways is a growing area of public concern;

WHEREAS reducing the waste we generate and reincorporating valuable resources from our waste stream into new goods can reduce GHGs significantly;

WHEREAS the transition to full producer responsibility for packaging, paper and paper products is a critical to reducing waste, improving recycling and driving better economic and environmental outcomes;

WHEREAS the move to a circular economy is a global movement, and that the transition of Blue Box programs would go a long way toward this outcome;

WHEREAS the **Municipality of X** is supportive of a timely, seamless and successful transition of Blue Box programs to full financial and operational responsibility by producers of packaging, paper and paper products;

AND WHEREAS the Association of Municipalities of Ontario has requested municipal governments with Blue Box programs to provide an indication of the best date to transition our Blue Box program to full producer responsibility;

THEREFORE BE IT RESOLVED:

THAT the **Municipality of X** would like to transition their Blue Box program to full producer responsibility [month] [date], [year] (between January 1, 2023 and December 31, 2025).

AND THAT this decision is based on the following rationale:

1. **Insert rationale based on analysis of contracts, assets, integrated waste management system or other considerations (e.g., our collection contract for Blue Box material expires December 31, 2024 and our processing contract for Blue Box material also expires December 31, 2024.)**

AND THAT the **Municipality of X** would be interested in providing collection services to Producers should we be able to arrive at mutually agreeable commercial terms.

AND FURTHER THAT any questions regarding this resolution can be directed to **Jane Doe, City Manager at xxx-xxx-xxxx or jane.doe@municipalityx.ca**

AND FURTHER THAT the resolution be forwarded to the Association of Municipalities of Ontario and the Ontario Ministry of the Environment, Conservation and Parks.

EXAMPLE

RPRC Consultation

Municipal Hazardous or Special Waste (MHSW) Program Wind-Up Plan

Fall 2019



RPRC Resource Productivity
& Recovery Authority

Asking Questions

01/29/2018 10:00 AM EST

This webcast has not yet started

Questions and Answers

Question : test
Answer pending

Type a question and press 'Enter'.

To ask a question at any time during the presentation or for technical assistance, type your question in the text box and press “Enter”.



RPRA Resource Productivity
& Recovery Authority

Agenda

- Purpose of the Consultation
- About RPRA
- Background
- SO's Proposed MHSW Wind-Up Plan
 - Governance and Administration
 - Financial Forecast, Fee Reduction and Residual Funds
 - Operations
 - Promotion and Education



Purpose of the Consultation

- **Provide an overview of Stewardship Ontario's proposed Wind-Up Plan for the Municipal Hazardous or Special Waste (MHSW) Program**
- **Answer questions you have on the wind-up process**
 - If there is a question we cannot answer, we will follow up in writing
- **Outline key questions we are seeking feedback on during the consultation period**
 - You can provide your feedback to RPRA until **November 21, 2019**
 - At the end of the presentation we will explain how you can provide that feedback

About RPRA



The Resource Productivity and Recovery Authority

- Regulatory body created by the Ontario government to oversee Individual Producer Responsibility requirements
 - Compliance and enforcement responsibilities delegated by the province
- Mandated to support the transition to a circular economy and waste-free Ontario
 - Despite efforts, Ontario's diversion rates have stalled
 - New emphasis on Individual Producer Responsibility to drive better economic and environmental outcomes

The RRCEA and WDTA

- RPRA receives its Authority from the *Resource Recovery and Circular Economy Act, 2016* (RRCEA) and the *Waste Diversion Transition Act, 2016* (WTDA)
- RRCEA establishes a new framework where producers are individually responsible and accountable for their products and packaging, recovering resources, and reducing waste
- WDTA allows for the continuation of waste diversion programs and sets out provisions to wind up those programs as directed by the Minister of the Environment, Conservation and Parks



Our Vision

**A circular economy today
for a waste-free tomorrow.**

Our Mission

**Enforce producer responsibility and advocate for
the circular economy to spur innovation and
protect the environment.**

What We Do

Under the **WDTA**, our responsibilities include:

Overseeing existing waste diversion programs and industry funding organizations until wind up

- **Used Tires Program** [*Concluded December 31, 2018*] operated by Ontario Tire Stewardship
- **Waste Electrical and Electronic Equipment Program** operated by Ontario Electronic Stewardship
- **Municipal Hazardous or Special Waste Program** operated by Stewardship Ontario
- **Blue Box Program** operated by Stewardship Ontario

Approving wind-up plans developed by Industry Funding Organizations

- Monitor the execution of wind-up plans

What We Do

Under the **RRCEA** our responsibilities include:

- Developing and operating a registry to register and receive information from obligated parties responsible for materials under the RRCEA
- Managing, analyzing and reporting on the information in the registry
- Carrying out compliance and enforcement activities

Background



MHSW Program

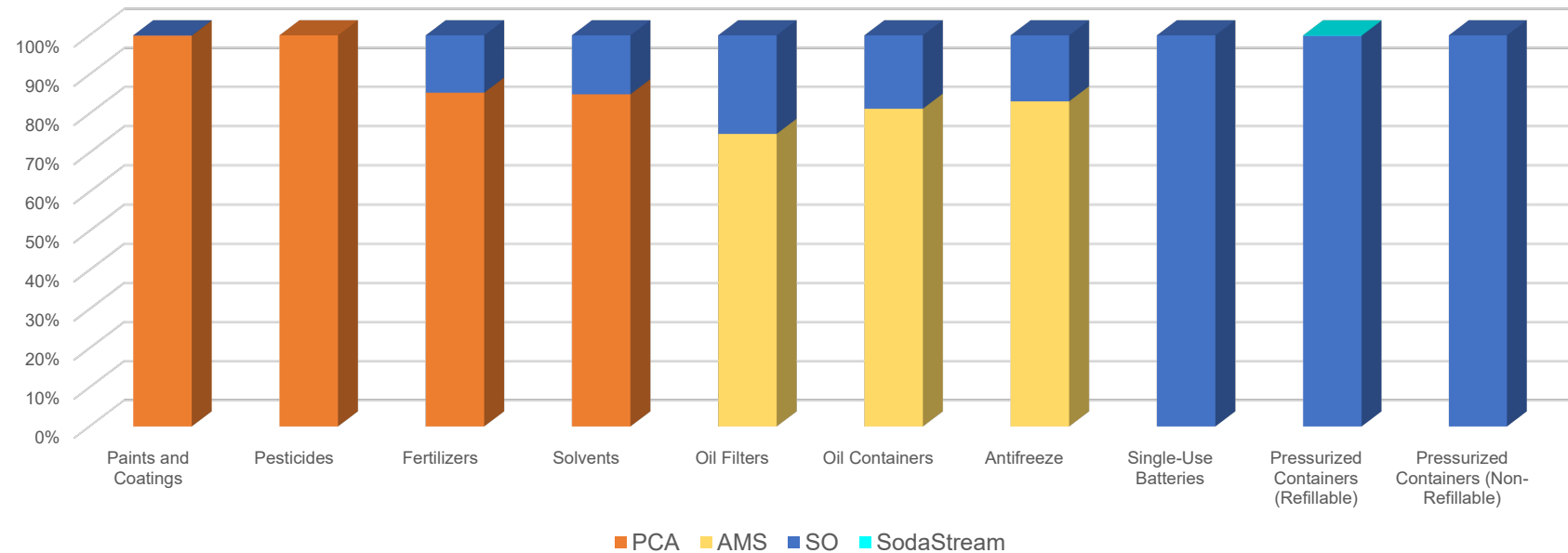
- The Municipal Hazardous or Special Waste (MHSW) Program is operated under the authority of Ontario's *Waste Diversion Transition Act, 2016* (WDTA)
- The program is designed to collect certain hazardous and special wastes and ensure they are managed in an environmentally responsible way at end of life
- MHSW materials include:
 - **single-use batteries**
 - **pressurized containers**
 - **oil containers**
 - **oil filters**
 - **antifreeze**
 - **paints and coatings**
 - **pesticides**
 - **solvents and**
 - **fertilizers**

Industry Funding Organization (IFOs) and Industry Stewardship Organizations (ISOs)

- Under the *Waste Diversion Transition Act, 2016* (WDTA), **Stewardship Ontario (SO)** continues to be responsible for operating the MHSW program
- The Act also permits management of such materials by ISOs
 - **Product Care Association (PCA)**: approved to manage paints & coatings in July 2015 and pesticides, solvents and fertilizers (PSF) in April 2016
 - **Automotive Materials Stewardship (AMS)**: approved to manage oil filters, oil containers, antifreeze and antifreeze containers in April 2017
 - **SodaStream**: approved manage their own of proprietary pressurized containers in July 2016
- SO continues to operate battery and pressurized container programs
- SO continues to represent a small number of stewards in some of the other MHSW categories managed by the ISOs

Industry Funding Organization (IFO) and Industry Stewardship Organizations (ISOs)

Percentage of Material Managed by each MHSW Program Operator
*(*based on collected tonnes as reported in 2018 Annual Reports)*

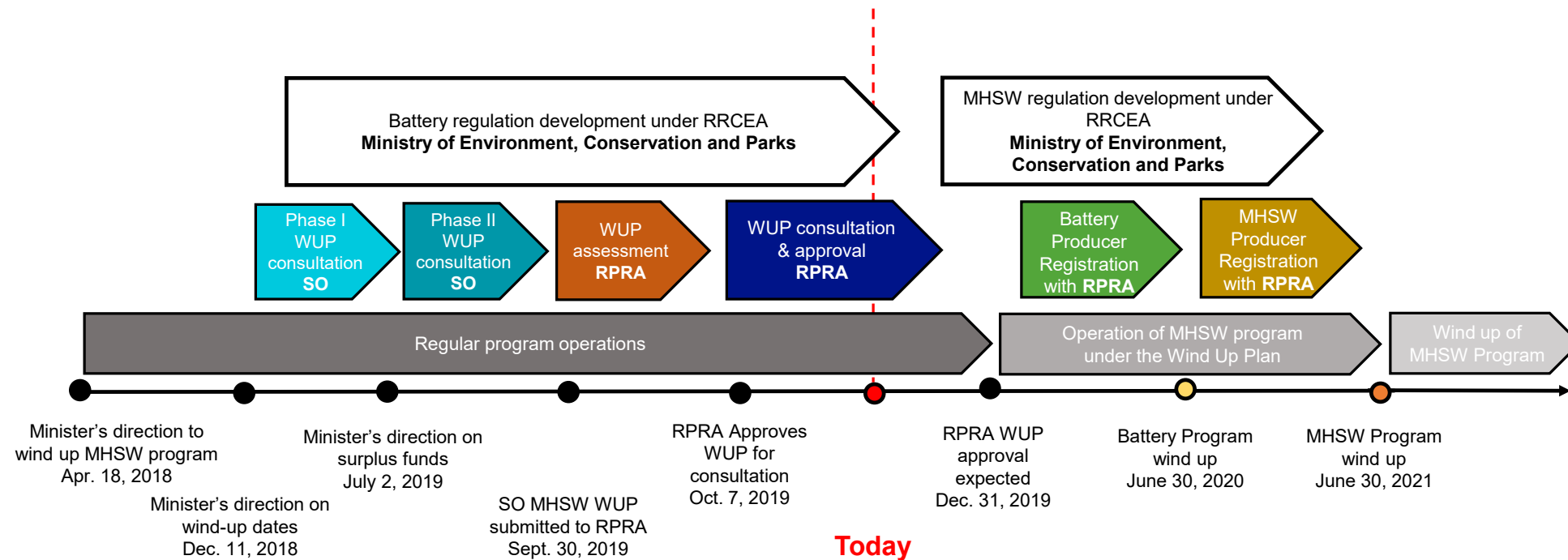


MHSW Wind-Up Plan (WUP) Development and Approval

Evaluation Criteria

- Stewardship Ontario's proposed MHSW Wind-Up Plan must be compliant with the WDTA and consistent with the Minister's directions
- The Plan is also assessed against requirements of the Authority's Wind-Up Guide, a non-binding document to provide guidance to IFOs in the development of wind-up plans
- The purpose of the consultation is to get feedback from stakeholders on the plan, and inform the Authority's decision making
- Final approval of the Plan will be made by the Authority

MHSW Wind-Up Plan (WUP) Development and Approval Timelines



Minister's Direction to Wind Up the MHSW Program

The plan should be consistent with the following principles

- **Demonstrate transparent communications and meaningful consultation**
- **Support competition and prevent conflict of interest**
- **Demonstrate fairness to stewards and protect consumers**
- **Maintain and improve program performance**

Minister's Direction to Wind Up the MHSW Program

Surplus Funds

- The July 2019 direction to SO required that the wind-up plan include a proposal to return surplus funds to Ontario consumers of municipal hazardous or special material (MHSM)

Material Categories	Ministerial Direction
MHSM categories whose recovery is managed by SO (single-use batteries and pressurized containers)	"(...) direction that the proposal will set out rules governing a fee elimination during the wind-up period. I expect that consumers will benefit from this direction through the elimination of any consumer fees of through reduced product cost."
MHSM categories that are managed through industry stewardship plans (paint and coatings, pesticides, solvents, fertilizers, antifreeze, oil filters and oil containers)	"(...) the proposal include options to return surplus funds to MHSM consumers; for example, through a consumer rebate option."

- SO to include a proposal to deal with any residual funds (remaining) after the proposal to return surplus funds to consumers has been implemented and concluded.

What's Changing?

Going from:

Waste Diversion Transition Act, 2016 (WTDA)

Shared Producer Responsibility

Stewards/producers collectively responsible for the end-of-life management of batteries and MHSW

A system centrally managed by SO and ISPs

To:

Resource Recovery and Circular Economy Act, 2016 (RRCEA)

Individual Producer Responsibility (IPR)

Stewards/producers individually responsible for the end-of-life management of batteries and other MHSW to incent competition and innovation and increase accountability

A system managed by multiple competing producer responsibility organizations (PROs), and/or producers managing their own products



RPRA Resource Productivity
& Recovery Authority

What's Changing?

Going from:

A supply chain operated according to the IFO's Program Plan and Industry Stewardship Plans (ISPs)

IFO and ISPs collect system data and the Authority oversees MHSW program operators (SO, PCA, AMS, SodaStream)

To:

Supply chain operated without an approved Program Plan or Industry Stewardship Plans (ISP)

Supply chain will be managed according to commercial negotiations between producers, PROs and service providers within the parameters of a new regulation

The Authority collects system data through a secure registry to enforce individual producer compliance

Key Questions – About Us and Background

Do you have any questions regarding the role of the Authority?

Do you have any questions or comments regarding the wind-up plan's evaluation criteria, its timelines or the Minister's direction?

Stewardship Ontario's (SO) Wind-Up Plan for the Municipal Hazardous or Special Waste (MHSW) Program



Governance and Administration



Conflict of Interest Mitigation

Minister directed in wind-up letter that:

- “SO shall take all necessary steps to ensure there is no real, potential or apparent conflict of interest when developing and implementing the plan.”

Potential concerns identified:

- Canadian Stewardship Services Alliance (CSSA) administers the SO MHSW Program through a service agreement with SO
- CSSA may have an operational role under the RRCEA after wind up
- SO and CSSA Boards had significant cross representation

Conflict of Interest Mitigation Plan:

- The Authority required that SO develop and implement a Conflict of Interest Mitigation Plan and that this plan be implemented prior to wind up

SO MHSW Conflict of Interest Mitigation Plan

Board Governance

- SO amended Board Code of Conduct by-law to define “overlapping directors”
- SO directors who are also directors of the CSSA or AMS (defined as “overlapping directors”) or whose company has a future expectation of operating as a service provider under the RRCEA with respect to MHSW materials, are not permitted to participate in decisions regarding the MHSW Program or the wind up of the MHSW Program
- Board members are required to disclose any potential conflict of interest related to the Board’s review of MHSW Program decisions and will be required to recuse themselves from those decisions

SO MHSW Conflict of Interest Mitigation Plan

MHSW Executive Committee

- In **November 2018**, SO established an MHSW Executive Committee (chaired by an independent director) to:
 - Oversee the development and execution of the MHSW Wind-Up Plan
 - Ensure delivery of MHSW operations during Wind-Up period
 - Provide direction on MHSW financial matters
- The MHSW Executive Committee is comprised of directors whose businesses are not involved in or obligated under the MHSW Program
- SO appointed an MHSW program manager to report directly to the MHSW committee and lead a team of independent consultants (accounting, legal and policy advisors) engaged to work on the wind-up project

SO MHSW Conflict of Interest Mitigation Plan

Administration

- CSSA Executives are not responsible for MHSW wind up decisions as per new reporting structure
- SO and CSSA staff involved in program administration are prohibited from engaging in activity or directly or indirectly benefitting from their position or connections as employees in situations that constitute or have the appearance of a conflict of interest
- SO - CSSA service agreement prohibits the disclosure of confidential information and restricts its usage to that reasonably required to exercise duties under the agreement

SO MHSW Conflict of Interest Mitigation Plan

Since submitting the MHSW WUP, SO has further strengthened their conflict of interest plan in preparation for the wind up of the Blue Box Program by creating the SO Wind-Up Team and has taken or will take the following actions:

- All cross appointments between the SO and CSSA boards have been eliminated; no common directors between the organizations
- CSSA/SO Board Chair has resigned and a new SO Board Chair has been elected
- New SO Executive Director and Board Secretary has been appointed
- MHSW Executive Committee is no longer required and SO Wind-Up Team now reports directly to the SO Executive Director
- Segregated workspace will be constructed for the SO Wind-Up Team, SO staff and CSSA staff providing services to SO

SO MHSW Conflict of Interest Mitigation Plan

Data Management – Steward Access to Data

- Stewards will have access to their historic submission data through the WeRecycle steward reporting web portal until program termination
- Following program termination, steward data will no longer be accessible through the portal
- SO proposes to give MHSW stewards at least 45-days notice regarding the anticipated change in accessibility

SO MHSW Conflict of Interest Mitigation Plan

Data Management – Transfer of Data to RPRA

- All MHSW program data will be transferred to the Authority in digital format with measures implemented to maintain data security throughout the transfer process
- Confidential or commercially sensitive information will be identified so that the Authority can take steps to ensure secure data storage and protection of such information
- Historic program data will be in the Authority's possession and future access to this data will be subject to the Authority's Access and Privacy Code
- Only MHSW program data required for tax and legal purposes will be retained until no longer required, at which point the process of destroying the data from active and back-up access points will begin with a final attestation provided to the Authority once the destruction process is complete

Key questions – Governance and administration

Do you have any feedback on the proposed Conflict of Interest Plan contained within SO's MHSW Wind Up Plan? Does it support competition and prevent conflict of interest?

Do you have any feedback on the plan for the management of MHSW program data leading up to and following the wind up?

Financial Forecast, Fee Reduction and Residual Funds



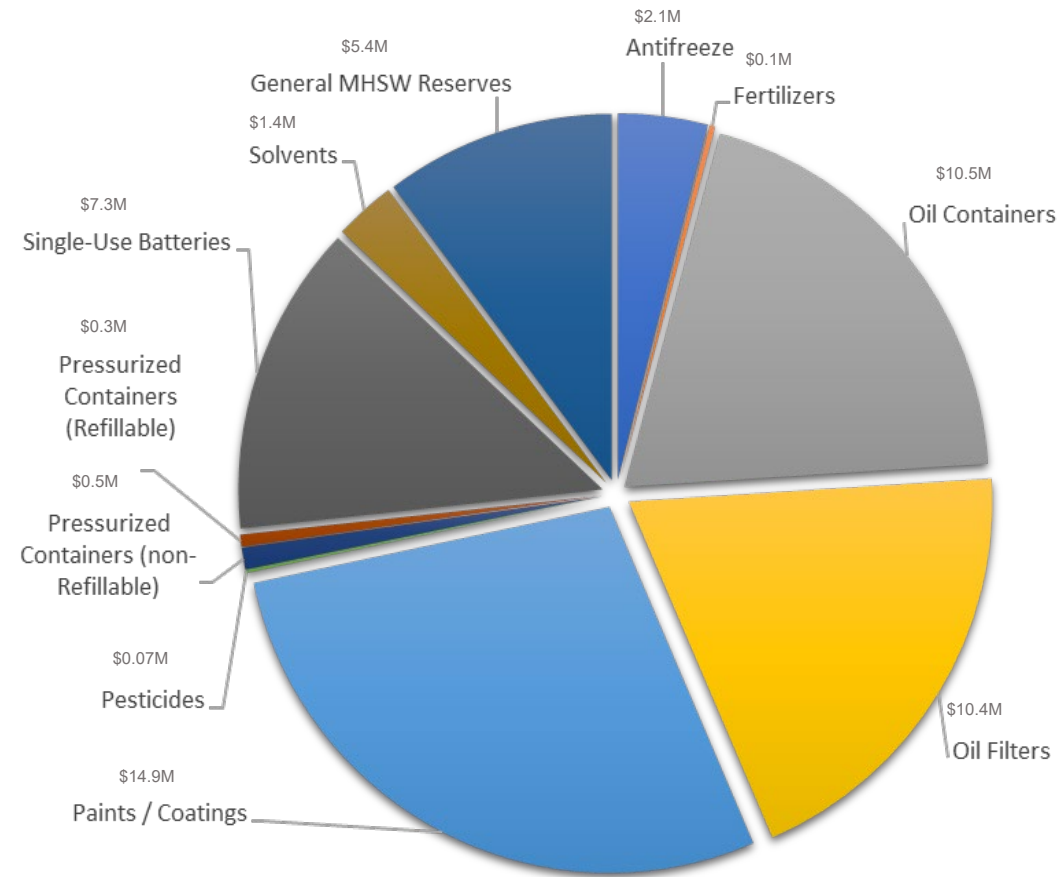
Background – CRA HST Refund and Impact on Reserves

- In April 2018, a CRA judgement related to the ability for SO to claim Input Tax Credits (ITCs) between 2011 to 2017, resulted in a **\$29.4M** HST refund
- The CRA ruling increased SO's reserves for the period ending December 2018 to **\$53.1M**
- Reserves are allocated to specific material categories
- MHSW material category reserves are distributed according to contributions by stewards throughout the course of the MHSW Program

MHSW Reserves by Material Category (as of December 2018)

	Accumulated Operating Surplus (Excluding HST Adjustment)	HST ITC Adjustment	Deferred Revenue (2012)	Total Reserve Estimate December 2018
Antifreeze	\$316	\$1,267	\$527	\$2,110
Fertilizers	\$33	\$94	\$5	\$132
Oil Containers	\$3,668	\$6,111	\$715	\$10,494
Oil Filters	\$1,622	\$6,062	\$2,688	\$10,372
Paints/Coatings	\$4,648	\$7,145	\$3,141	\$14,934
Pesticides	-\$43	\$101	\$11	\$69
Pressurized Containers (Non-Refillable)	-\$413	\$818	\$110	\$515
Pressurized Containers (Refillable)	\$127	\$159	\$2	\$288
Single-Use Batteries	\$419	\$4,974	\$1,903	\$7,296
Solvents	\$734	\$676	\$37	\$1,447
Total Reserves Allocated by Material	\$11,111	\$27,407	\$9,139	\$47,657
MHSW General Unrestricted Reserves	\$1,360	\$1,969	\$0	\$3,329
MHSW Portion of Sustaining Fund	\$2,100	\$0	\$0	\$2,100
Total Unallocated Reserves	\$3,460	\$1,969	\$0	\$5,429
Total MHSW Reserve Estimate	\$14,571	\$29,376	\$9,139	\$53,086

MHSW Reserves by Material Category (as of December 2018)



MHSW WUP Financial Forecast 2019 - 2021 (in \$000)

	2019	2020	2021
Estimated Reserves Beginning of Year	53,086	\$48,728	\$22,035
Estimated Revenue	\$13,758	\$5,086	\$939
Program Operating Expenses			
Direct Material Costs	\$13,110	\$8,773	\$1,792
Administration	\$3,560	\$3,057	\$2,325
Sub-Total	\$16,670	\$11,830	\$4,117
Operating Surplus/Deficit	-\$2,912	-\$6,744	-\$3,178
Estimate MHSW Wind Up Costs	-\$1,446	-\$2,681	-\$3,165
ISP Fee Reduction		-\$17,268	-\$15,319
Estimated Reserves End of Year	\$48,728	\$22,035	\$373
General Reserve Drawdown	\$1,446	\$1,681	\$2,302
Material Reserve Drawdown	\$2,912	\$25,012	\$19,358

Minister's Direction Regarding Surplus Funds

- Due to the large amount held by SO in reserves, the Minister issued a direction to SO to return surplus funds to Ontario consumers of municipal hazardous or special materials (MHSM)
- Furthermore, the materials managed by Stewardship Ontario and the Industry Stewardship Organization (ISOs) received specific directions

Material Categories	Ministerial Direction
MHSM categories whose recovery is managed by SO (single-use batteries and pressurized containers)	"(...) direction that the proposal will set out rules governing a fee elimination during the wind up period. I expect that consumers will benefit from this direction through the elimination of any consumer fees or through reduced product cost."
MHSM categories that are managed through industry stewardship plans (paint and coatings, pesticides, solvents, fertilizers, antifreeze, oil filters and oil containers)	"(...) the proposal include options to return surplus funds to MHSM consumers; for example, through a consumer rebate option."

Options Considered to Manage Surplus Funds

Categories whose recovery is managed by SO (single-use batteries and pressurized containers)

1. **Fee Elimination:** SO reduces MHSW steward fees for single-use batteries and pressurized containers for a specified period of time in each related MHSW category
2. **Fee Reduction:** SO reduces MHSW steward fees over a longer period – exact level of final fee reduction based on final program financial reconciliations and completed steward supply reports

Categories that are managed through ISPs (paint and coatings, pesticides, solvents, fertilizers, antifreeze, oil filters and oil containers)

SO considered and consulted on four options to return surplus funds to consumers:

1. **Fee elimination/reduction for ISP materials**
2. **Rebate consumers that purchase MHSM**
3. **Rebate consumers that return MHSW materials for recycling**
4. **Implement a single general MHSW consumer rebate through various awareness initiatives**

Proposal – Fee Reduction to SO Stewards and ISO Members

- SO proposes to return surplus funds to MHSM consumers through the implementation of a fee reduction for both SO stewards and ISO members during the wind-up period
- SO believes that this proposal achieves the following objectives:
 - **Enables the consistent treatment of all MHSW program participants**
 - **Represents the most efficient way to ensure that the disbursement of surplus funds will benefit consumers**
 - **Minimizes the administrative costs associated with disbursement of surplus funds**
 - **Maximizes the aggregate level of disbursed funds which minimizes the level of residual funds left in the program following termination**
 - **Flexibility to adjust the amount of the final fee reduction based on most current financial and operational information**
- SO asserts that the competitive market dynamic associated with the sale of MHSM materials should result in cost savings being passed onto related consumers

Proposal – Fee Reduction Mechanics

- SO is proposing to apportion surplus funds held in each material specific reserve as a reduction to steward invoices during the final quarters of the program
- The duration of fee reduction (number of quarters) varies based on surplus amount and operating cost associated with the management of each type of material
- SO steward invoices would indicate the amount of the program costs (i.e. what would normally be billed to the steward) and the amount of the fee reduction associated with the reserve drawdown in addition to the amount the steward would be required to pay.
- SO proposes to implement the fee reduction for ISP members through separate service agreements with the ISOs (AMS and PCA) that establish terms for:
 - **Data sharing**
 - **How to document the process**
 - **How to resolve disputes**
 - **Require that any fee reductions paid for by SO benefit or are passed onto to ISP members.**

Proposal – Fee Reduction Communications

Stakeholders Involved in the Sale of MHSM	Method of Communication	Communication Goal
<ul style="list-style-type: none"> • SO Stewards • ISO Members • MHSM Wholesalers • MHSM Retailers 	<ul style="list-style-type: none"> • Email Blasts • Website Posts • Targeted Webinar Sessions 	<p>Ensure that all stakeholders involved in the sale of MHSM are fully aware of:</p> <ul style="list-style-type: none"> • The process by which fees will be reduced for SO stewards and ISO Members • The anticipated timing of implementation of the fee reductions and • The estimated level of the fee reduction per MHSW category

Proposal – Residual Funds

- Any residual funds that remain in the program following the resolution of outstanding program financial obligations, are proposed to be transferred to the Authority to help offset registry-related costs under the RRCEA framework in relation to various MHSW material categories
- Using SO's residual funds to offset the Authority's registry-related expenses will lower registry fees recoverable from producers, thereby reducing the cost that producers pass on to consumers under the RRCEA

MHSW Residual Fund Forecast (\$000)

Antifreeze	\$55
Fertilizers	\$5
Oil Containers	\$87
Oil Filters	\$58
Paints/Coatings	\$53
Pesticides	\$5
Solvents	\$9
Pressurized Containers (Non-Refillable)	\$44
Pressurized Containers (Refillable)	\$33
Single-Use Batteries	\$27
Residual Funds at program Termination	\$376

Key questions – Financial Forecast, Fee Reduction and Residual Funds

- *Do you have any comments or feedback regarding:*
- *The proposal to return surplus funds to MHSM consumers through the implementation of a fee reduction to SO stewards and ISO members?*
- *The proposal to transfer remaining MHSW residual funds to the Authority to offset registry-related expenses and ultimately lower producer registry fees?*

Operations



Operations: Service Providers



Proposal – Stewardship Ontario Program Operation

Single-Use Batteries and Pressurized Containers

- No changes to service provider claims procedures, incentive payments or contractual terms prior to the MHSW Program termination date
- No changes to MHSW material definitions
- All MHSW materials will continue to be collected, transported, processed and recycled in accordance with current program standards and performance metrics up until **June 30, 2021** (or **June 30, 2020** in the case of single-use batteries).

Proposal – Municipal Collectors

Single-Use Batteries and Pressurized Containers

- SO to continue to pay municipalities for depot hours and collection events in relation to single-use batteries until **June 30, 2020** and pay for depot hours and collection events for other MHSW materials until **June 30, 2021**.
- Municipalities would receive payments pursuant to the same payment schedule as they currently receive.
- Municipalities must submit event claims no later than two months after the program termination dates (**August 31, 2020** for single-use batteries and **August 31, 2021** for pressurized containers).
- SO will work with municipalities to amend existing agreements to reflect the different termination dates for single-use batteries and other MHSW materials.

Proposal – Transporters and Processors

Single-Use Batteries and Pressurized Containers

- SO proposes to continue to provide incentives under the Battery Incentive Program (BIP) for all single-use batteries collected by **June 30, 2020** (program termination date)
- Transporters would have until **July 15, 2020** to collect single-use batteries and from collection sites and until **July 15, 2021** to collect pressurized containers.
- Transporters and processors would have until **August 31, 2020** to submit incentive claims for single-use batteries dropped off by **June 30, 2020** and collected by **July 15, 2020**.
- Transporters and processors would have until **August 31, 2021** to submit claims for pressurized containers dropped off by **June 30, 2021** and collected by **July 15, 2021**.

Summary of Key Dates – Service Providers

Single-use battery cut-off dates	
June 30, 2020	Single-use Battery program termination date: <ul style="list-style-type: none"> Materials collected by this date eligible for transportation and processing incentives; Municipalities eligible for single-use battery related incentives re depot hours and collection events.
July 15, 2020	Deadline for pick-up of single-use batteries collected by June 30
August 31, 2020	Deadline for: <ul style="list-style-type: none"> Submission of municipal claims for single-use battery related incentives (final submission); Submission of service provider claims for battery incentives (final submission);
MHSW cut-off dates	
June 30, 2021	MHSW material program termination date (excluding single-use batteries): <ul style="list-style-type: none"> Materials collected by this date eligible for transportation and processing incentives; Municipalities eligible for incentives re depot hours and collection events
July 15, 2021	Deadline for pick-up of MHSW collected by June 30 (excluding single-use batteries)
August 31, 2021	Deadline for: <ul style="list-style-type: none"> Submission of municipal claims for incentives (final submission); Submission of service provider claims for incentives (final submission);

Proposals – Audit and Review Activities

Service Providers Claims

- SO proposes to continue with current service provider monitoring throughout the wind-up period
- As the wind-up date approaches, SO anticipates that volumes of materials collected and processed may change, which will require the careful monitoring of final service provider claims submissions closely and initiation of review procedures to confirm materials collected are consistent with program standards

Service Providers – Post-Wind Up

All MHSW Materials

- All material collected **AFTER** the MHSW program termination dates (**June 30, 2020** for single-use batteries and **June 30, 2021** for all remaining MHSW materials) would be subject to the requirements of the RRCEA and the associated regulations
- If service providers wish to continue to participate in the MHSW program under the RRCEA, new agreements will need to be established to define terms for collection, transportation and processing of material
- It is anticipated that PROs for Batteries and MHSW materials will register with the Authority in advance of the program wind up

Proposal – ISP Agreements

Paint and Coatings, Pesticides, Solvents, Fertilizers, Automotive Materials

MHSW Material	ISO	Program Agreement Amendments
Antifreeze Oil Containers Oil Filters	AMS	<ul style="list-style-type: none"> SO to extend its current agreements with each ISO to align with the MHSW Program wind up termination date (June 30, 2021) SO will follow the current process and arrangements with the ISOs and purchase SO steward's share of quarterly costs in each material category based on estimates of proportionate share of total supplied quantities of MHSM to the Ontario market SO to follow the existing invoicing and payment process until program termination
Pesticides Solvents Fertilizers	PCA	
Paint and Coatings	PCA	<ul style="list-style-type: none"> SO proposes to explore the possibility of adding paints and coatings to its existing supply agreement with PCA (covering PSF categories) during the wind-up period. SO will continue to purchase credits on behalf of its registered stewards from PCA until program termination

Key question – Service Provider Operations

Are the service provider cut-off dates proposed by Stewardship Ontario reasonable?

Operations Stewards



RPRA

Resource Productivity
& Recovery Authority

Proposal – Steward Reporting and Payment Dates

Single-Use Batteries

- Final adjustment requests for 2019 and earlier will need to be submitted by **May 31, 2020**
- Final supply reports for Q2 2020 data July 1, 2020 will be due by **August 31, 2020**
- Final adjustment requests for 2020 supply data will need to be submitted by **August 31, 2020**
- Battery stewards would receive their last invoice from SO 90 days after the program termination with payment required 30 days after receipt of the invoice (**Oct 31, 2020**)

Proposal – Steward Reporting and Payment Dates

All Other MHSW Materials

- Final adjustment requests for 2020 and earlier will need to be submitted by **May 31, 2021**
- Final supply reports for Q2 2021 data July 1, 2020 will be due by **August 31, 2021**
- Final adjustment requests for 2021 supply data will need to be submitted by **August 31, 2021**
- MHSW stewards would receive their last invoice from SO 90 days after the program termination with payment required 30 days after receipt of the invoice (**Oct 31, 2021**)

Summary of Key Dates for Stewards

Single-use battery cut-off dates	
May 31, 2020	Deadline for single-use battery stewards to submit 2019 supply report adjustments
June 30, 2020	Single-use Battery program termination date
August 31, 2020	Deadline for: <ul style="list-style-type: none"> • Submission of single-use battery steward supply report adjustments for 2020;
Oct 31, 2020	<ul style="list-style-type: none"> • Deadline for steward payment of final Stewardship Ontario invoice – sent September 30, 2020 Due 30 days after receipt
MHSW cut-off dates	
May 31, 2021	Deadline for other MHSW stewards (excluding single-use batteries) to submit 2019-2020 supply report adjustments
June 30, 2021	MHSW material program termination date (excluding single-use batteries)
August 31, 2021	Deadline for: <ul style="list-style-type: none"> • Submission of steward supply report adjustments for 2021;
Oct 31, 2021	<ul style="list-style-type: none"> • Deadline for steward payment of final Stewardship Ontario invoice – sent September 30, 2021 Due 30 days after receipt

Proposals – Audit and Review Activities

Steward Supply Reports

- SO proposes continue to follow its current steward compliance audit framework for selecting stewards to audit throughout 2019 and 2020
- As program termination dates get closer, SO proposes to limit random steward audits and focus resources on ensuring steward compliance with program termination reporting deadlines and requirements

Key question – Steward operations

Does Stewardship Ontario's proposed final steward reporting schedule and process align with your business operations?

Promotion and Education



Proposal – Orange Drop Website and Branding

- SO to continue to use Orange Drop branding and website functions as the consumer-facing brand of the MHSW Program throughout the wind-up period
- SO to operate the Orange Drop website for six months after program termination (*this transition period would last for 18 months for single-use batteries)
- During the transition, the Orange Drop website would direct consumers to new sources of information on the proper disposal of MHSW materials
- Following this transition period, SO to transfer the legal title of Orange Drop and its website domain name to the Authority

Proposal – Orange Drop Website and Branding

- SO to continue the current promotion and education awareness programs throughout the wind-up period to ensure that program performance is not adversely affected by a slow down of these activities
- Promotion and education activities represented approximately four per cent of Stewardship Ontario MHSW Program expenses in 2018; a similar level of spending is being proposed for 2019 and 2020
- Promotion and education activities will cease on **June 30, 2021**

Key question – Promotion and Education

Do you support the transfer of the ownership of the Orange Drop website and branding to the Authority?

Would you support the Orange Drop branding being made available to Producer Responsibility Organizations (PROs) and producers?

Do you feel that PROs may need access to the Orange Drop website and branding prior to the wind-up dates?

Key question – General Feedback on the WUP

Is there enough information in the wind-up plan for you to prepare for the wind up of the program?

Please provide any feedback you may have regarding the MHSW Wind Up Plan's efforts to meet the requirements of the various Minister's directions?

Next steps

- You may provide your feedback on SO's MHSW Wind-Up Plan by:
 - Emailing your comments to consultations@rpra.ca
 - You will receive an email from RPRA that includes a link to this presentation, the audio, and a survey on the consultation process
- Stakeholder feedback is due by **November 21, 2019**
- Feedback from the consultation will be summarized in a report that will be available on the Authority's website
- RPRA and SO will provide information on proposed regulations as soon as information becomes available from the Ministry of Environment, Conservation and Parks

Key Questions

Question 1: Do you have any questions regarding the role of the Authority?

Response:

- a. Niagara Region has no concerns at this time provided that the transition of the windup plan submitted by Stewardship Ontario meets the Minister's Directive, the process is transparent and the Resource Productivity and Recovery Authority (Authority) fulfills its mandate as required.
- b. As part of its role following windup plan completion, the Authority needs to ensure the market is fair to all parties and that no single Producer Responsibility Organization (PRO) has a major monopoly of agreements with producers (i.e. no more than XX percent of the market). Niagara experienced this issue during the tire transition during the first half of 2019 i.e. a PRO indicated that one specific tire PRO had agreements with 85% of the market which caused operational issues for Niagara Region resulting in reduced service and tires not being collected.
- c. That all parties involved with the process of MHSW are compensated properly according to the Minister's Direction.

Question 2: Do you have any questions or comments regarding the wind-up plan's evaluation criteria, its timelines or the Minister's direction?

Response:

- a. The timelines seem reasonable
- b. Niagara Region has concerns about the transition occurring in the middle of the summer (busy time of year for MHSW) while the collection sites try to maintain a high level of service for residents. As an example, during the transition of the tire program it took several months for the PROs to have agreements in place and coordination of haulage which would be critical during a busy time of the year such as summer.

Question 3: Do you have any feedback on the proposed Conflict of Interest Plan contained within SO's MHSW Wind Up Plan? Does it support competition and prevent conflict of interest?

Response:

- a. The changes to the various boards appears to have eliminated any potential conflict of interest. That being said, the process must be transparent.

Question 4: Do you have any feedback on the plan for the management of MHSW program data leading up to and following the wind up?

Response:

- a. The management of data is appropriate based on the information provided.

Question 5: The proposal to return surplus funds to MHSM consumers through the implementation of a fee reduction to SO stewards and ISO members?

Response:

- a. The Authority will need to clearly and transparently demonstrate that through this process there is a fee reduction passed down through the stewards and Industry Stewardship Organizations (ISO) members to the consumers. The Authority needs to ensure that stewards do not increase the cost and then reduce the cost by the same amount and claim that consumers are receiving a rebate.
- b. The fee reduction methodology needs to be clearly and easily communicated to consumers so that they are aware of the fee reduction program.

Question 6: The proposal to transfer remaining MHSW residual funds to the Authority to offset registry-related expenses and ultimately lower producer registry fees?

Response:

- a. The process of transferring residual funds needs to be transparent. Similar to response 5 a., the Authority must ensure that any savings are passed onto consumers.

Question 7: Are the service provider cut-off dates proposed by Stewardship Ontario reasonable?

Response:

- a. The timelines seem reasonable.

Question 8: Does Stewardship Ontario's proposed final steward reporting schedule and process align with your business operations?

Response:

- a. It is not anticipated that the reporting schedule will have an impact on our business operations. The Authority has provided sufficient notice in order for Niagara Region to plan and meet requirements in advance of the deadlines.

Question 9: Do you support the transfer of the ownership of the Orange Drop website and branding to the Authority?

Response:

- a. Yes, an independent organization should oversee the Orange Drop site to ensure that the public's interest is maintained.

Question 10: Would you support the Orange Drop branding being made available to Producer Responsibility Organizations (PROs) and producers?

Response:

- a. The PROs and producers should work through the Authority for any changes that are required to the Orange Drop site.

Question 11: Do you feel that PROs may need access to the Orange Drop website and branding prior to the wind-up dates?

Response:

- a. Please see response to Question 10.

June 21, 2019

Krista Fries
Resource Recovery Policy Branch
40 St. Clair Avenue West, Floor 8
Toronto, ON
M4V 1M2

Dear Ms. Friesen,

RE: REGULATION FOR RECYCLING OF ELECTRICAL AND ELECTRONIC EQUIPMENT (EEE) AND BATTERIES (EBR REGISTRY NUMBER: 019-0048)

Niagara Region appreciates the opportunity to provide comments in response to the EBR posting regarding the Regulations for Recycling of Electrical and Electronic Equipment (EEE) and Batteries under the Resource Recovery and Circular Economy Act, 2016. Please find the Region's comments on each respective section of the regulations below.

Designating Materials

Niagara Region is supportive of inclusive list of designated materials, including appliances, lighting and ballasts, which are included in Schedule I of the EEE regulation, however the list of EEE does not include toys. Toys containing electronic parts and batteries are commonly found at municipal recycling and waste disposal facilities and should be included in the scope of the EEE regulation.

The Region has no concerns with the definition of "large-scaled fixed installations" which excludes large-scale electrical equipment such as elevators, escalators and streetlights.

Niagara Region also supports the inclusion of single use and rechargeable batteries in the battery regulation as it avoids confusion for consumers and ensures more battery capture.

Defining Responsible Producers

The regulations propose responsibility primarily on brand holders who are resident in Canada whose EEE and batteries are marketed and supplied to Ontario consumers, followed by importers and others who market EEE and batteries who are resident in Ontario, and then others who are located out of province but who market and supply EEE and batteries to Ontario consumers through the internet. Niagara Region supports the cascading approach to identify responsibility for EEE and batteries, however if there are two or more brand holders resident in Canada, the regulation states that the brand holder most directly connected to the production of the EEE or the batteries is the producer. This is not defined and should be further clarified as it is vague.

Niagara Region's Response to Consultation Sessions: Proposed Producer Responsibility Framework for WEEE and Batteries

Niagara Region supports the dual hierarchy for batteries to differentiate producers that include batteries in their products and those that do not.

With respect to the producers that are located out of province but who market and supply EEE and batteries to Ontario consumers through the internet, a mechanism should be developed to report on-line sellers (free-riders) that do not pay extended producer responsibility (EPR) fees and do not assume take-back obligations. This would improve enforcement by RPRA.

Collection Requirements

Niagara Region supports the Ministry's approach for ensuring accessibility of EEE and battery collection sites across the Province. While the accessibility requirements increase the reach to consumers throughout the province and applies to municipalities of more than 1,000, this may still leave a segment of Ontario municipalities without disposal options if there is no local retailer. Accessibility of collection sites must be included in all municipalities.

The regulation does not, and should not, require municipalities to collect EEE or batteries, but municipalities should retain the right to collect if they wish to be a service provider.

The EEE regulation suggests collecting each type of EEE material separately. Only in rare cases would categories not mix with other categories or have different requirements (i.e.: lighting ballasts). But for the most part, electronics can be safely collected together. This will enable sites with limited space to effectively offer collection services for a wider range of materials with existing resources.

A significant portion of EEE falls under the categories of large and small equipment, including most appliances, tools and gardening equipment. Therefore producers of large and small equipment should not be exempt from collection requirements. Further, in an effort to maximize capture, producers should be subject to collection requirements in all cases, and should not have reduced obligations even if their management requirement falls below the identified minimum thresholds. The identified management requirement thresholds in the regulations do not support the notion of 100% extended producer responsibility practices.

Management Requirements

Niagara Region is supportive of adding the weight of reuse, refurbishment, or processed EEE to make new products, packaging or *things* to satisfy recovery requirements as this should help incentivize more reuse and refurbishment activity; however, there should be increased checks and enforcement to prevent any producers from falsely calling a product refurbished just to meet their targets. In addition, the term, "things" needs to be defined. It is vague and does little to provide clarification and could have companies looking to achieve targets based on the lowest common denominator.

Niagara Region's Response to Consultation Sessions: Proposed Producer Responsibility Framework for WEEE and Batteries

Waste Reduction Initiatives

Niagara Region is supportive of a reduction of a management requirement to be capped at 50 per cent if: EEE contains post-consumer recycled glass or recycled plastic content; if EEE is subject to a warranty that covers one or more years (with escalating reductions); or if the producer provides information, tools or parts available at no charge or on a cost recovery basis to safely repair the EEE. The process for repairs shall be a relatively simple process to ensure that it does not deter the repair of EEE.

Both regulations should encourage product design where there is less use of toxic materials and rare earth components in the manufacture of EEE and battery products.

An extended warranty, at no additional cost, that provides the same coverage as the original manufacturer's warranty would provide an incentive for manufacturers to design their products with additional longevity. This would drive innovation in the design of their product if their extended, no-charge warranty was three or more years, with the incentive that the producer may reduce the weight of its supply data for each of those years by 10 per cent of the weight supplied with the warranty in each of those years.

A processor and refurbisher guideline will support the required standards that must be met by processors and refurbishers in order for the tonnage processed by those companies to count toward a producer's recovery requirement. The guideline should make a clear distinction between repair and refurbishment. Refurbishing should be clearly defined as a product being put back on the market, versus repair which does not entail a resale of the product. The guideline, as well as increased checks and enforcement, will help support and prevent any producers from falsely calling a product refurbished just to meet their management requirement.

Promotion and Education

Promotion and education should be clear on what types of EEE and batteries can be recycled and which cannot. In addition, the requirements for promotion and education should be expanded to be clear on how repair services, parts and tools are made available to consumers and how producers shall make these tools available and accessible to rural, northern and remote communities.

The regulations should be clear on what types of communication are required (i.e.: radio, television, social media campaigns, etc.) and should also include non-digital media forms such as print to increase accessibility of information to rural, northern and remote communities that may not have access to broadband internet service providers.

Further, the regulations should state that the producer, while responsible for all promotion and education, can delegate or engage with private parties to address these responsibilities to help meet their requirements.

Finally, the regulations do not offer a standard for those who market EEE and batteries in Ontario on visible extra fees related to resource recovery or waste reduction. Rather, the regulations leave it up to

**Niagara Region's Response to Consultation Sessions:
Proposed Producer Responsibility Framework for WEEE and Batteries**

seller whether they identify the charge or not. Niagara Region supports all-in pricing to make it simpler for the consumer.

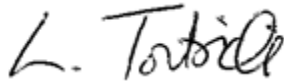
Registration, Record Keeping, Reporting and Auditing

The regulations should require collection sites to register and confirm that they are an active collection site for EEE and batteries. In Niagara, there has been some confusion with respect to the collection of tires as some registered collectors are not actively collecting tires. As such, the regulations should require collection sites to register with confirmation of active collection.

The regulations state that municipalities, acting as collectors, must keep records relating to EEE and batteries at their sites. Specifically, the draft regulations state that if the site receives more than 15 units or 150 kg of EEE, or more than 15 kg of batteries, from a person on a single day, the operator of the site must record the person's name, contact information, any unique identifier assigned by the Registrar and the amount of EEE or batteries accepted. Niagara Region is not supportive of keeping or maintaining these records as it is impractical and unnecessary for municipal collection sites. We support the exclusion of municipal sites from these record keeping requirements as municipal sites manage a wide range of materials from the public to ensure they are properly managed and are extremely busy.

Thank you again for the opportunity to provide comments on the regulation. Niagara Region looks forward to continued engagement with the Ministry, and sharing our unique municipal perspective as we work together to create a circular economy for Ontario.

Regards,



Lydia Torbicki
Director, Waste Management Services (Acting)

cc: Mr. R. Tripp, CAO (Acting)
Ms. C. Habermebl, Commissioner, Public Works Department (Acting)

November 25, 2019

VIA WEBFORM

Jamie Haldenby
Ministry of the Environment, Conservation and Parks,
Program Management Branch – Program Oversight
40 St. Clair Avenue West
4th Floor
Toronto, ON
M4V 1M2

Dear Ms. Haldenby:

RE: ERO 019-0671 Changing the Mandate of the Resource Productivity and Recovery Authority

Niagara Region Waste Management Services is submitting the comments below in response to ERO 019-0671. We thank you for the opportunity to share our municipal perspective and look forward to continued engagement with the province.

In the development of mandate and program changes for the Resource Productivity and Recovery Authority (RPRA), Niagara Region encourages consultation with stakeholders, including municipalities. Niagara Region is generally supportive of the move to digital reporting as a means of increasing efficiency and accessibility as well as reducing paper waste. With respect to specific program changes, Niagara Region recommends consideration of recycling programs for materials such as shingles, mattresses, carpets, porcelain and concrete. Finally, the continued oversight of new and existing programs by the Province is recommended.

We appreciate your consideration of these comments.

Respectfully submitted,



Catherine Habermehl
Director, Waste Management Services

Encl.

**Niagara Region Waste Management Services Response on MECP's Proposal
"Changing the Mandate of the Resource Productivity and Recovery Authority"
ERO number- 019-0671**

Proposed Changes

1. Change RPRA's mandate to include digital reporting services, fee setting, and cost recovery for other programs beyond producer responsibility

1.1 We are proposing to have RPRA collect information for other programs beyond resource recovery and waste reduction. This would include having RPRA carry out registration of programs and overseeing reporting, data management and fee collection for duties related to waste, beyond waste reduction, or resource recovery. This would save all businesses money as a larger group of system users would be sharing common costs.

1.2 RPRA currently sets and collects fees to recover the costs for administering programs under the RRCEA. We are proposing changes to allow RPRA to set and collect fees for the digital reporting services they would be providing for any new programs they take on. The fees would include costs incurred by the ministry for program oversight, compliance and enforcement.

Comments:

Niagara Region is supportive of the move to digital reporting and online processes as a means of increasing efficiency and accessibility as well as reducing paper waste.

In terms of expanding the mandate of RPRA to collect information for programs beyond resource recovery and waste reduction, Niagara Region seeks clarification on the types of programs that potentially fall under this expanded oversight (i.e. municipal organics programs, landfill disposal) and recommends consultation with affected parties, including municipalities. As the mandate is expanded, the Region would like to see a focus on recycling programs for materials such as shingles, mattresses, carpets, porcelain and concrete.

In setting fees for digital reporting services, Niagara Region recommends Provincial guidance in defining parameters and overseeing implementation.

2. Maintain government oversight for the programs that will transition to RPRA. We are proposing to allow the ministry to set guidance on fee structures for the programs that RPRA will be providing digital reporting services.

2.1 Compliance and enforcement for future programs taken on by RPRA will remain the responsibility of the ministry. RPRA would be responsible for operating the digital reporting service to ensure reports are complete and related fees are collected. We are not proposing any changes to the existing ministry oversight of RPRA.

Comments:

Niagara Region supports the continued role of the ministry in providing oversight on all new and existing programs taken on by RPRA as a means of maintaining program consistency, quality and accountability.

3. Make other associated changes

3.1 Currently, the ministry recovers its program costs through an Order in Council. We are proposing to recover all ministry costs more efficiently through a Minister's Order.

3.2 The WDTA sets out RPRA's responsibilities, including its responsibility to oversee the transition of waste diversion programs operated by industry funding organizations (IFOs), to the new extended producer responsibility framework under the RRCEA. We propose to amend the WDTA to allow the transfer of residual surplus funds left at the end of transition, from an IFO to RPRA. While most funds are spent during program transition, some funds may still remain at the end of the transition. This change would allow those residual funds to go to RPRA, where they would be used to reduce fees and financially benefit the regulated community related to the program being transitioned.

3.3 We are also proposing to permit future regulations that could assign additional duties and powers to RPRA. The ministry would consult on any future regulations.

Comments:

As it would be difficult to ensure a net zero sum at the end of transition and to avoid a negative funds scenario, it would be necessary to hold a surplus to ensure sufficient funds are available until the end of the transition period. Niagara Region supports the transfer of these residual funds to RPRA. The Region encourages a fair and equitable process to determine the best application of these funds. The process should be transparent and clearly identify which parties will benefit from the surplus funding.

With respect to Ontario Electronic Stewardship (OES), the Minister, in a letter to RPRA on April 2, 2019, stated that any surplus funds that OES does not need for program operations or wind up costs be used for the benefit of Ontario consumers. As the consumers have paid the environmental handling fees, the Minister stated that the consumers must benefit from the surplus. While the consumer fees were eliminated as

of February 1, 2019 to draw down the surplus, any remaining funds that are being considered for transfer to the RPRA should meet with the Minister's approval.

Proposed program to transition to RPRA

The first digital reporting service we are proposing to transition to RPRA is for the Hazardous Waste program. In 2020, we will be consulting on specific regulatory changes related to Hazardous Waste.

Currently the Hazardous Waste program's digital reporting service is difficult to use resulting in the majority of reports being submitted on paper (e.g. manifests). To make reporting easier, we are proposing to have RPRA develop and deliver a digital reporting service for this program.

Comments:

Niagara Region is supportive of the move to digital reporting and online processes as a means of increasing efficiency and accessibility as well as reducing paper waste.

The stakeholders who will be required to utilize the reporting service, specifically including municipalities, must be involved in the development of this new system.

MEMORANDUM

WMPSC-C 3-2020

Subject: Garbage Tag Fee Increase

Date: Monday, January 27, 2020

To: Waste Management Planning Steering Committee

From: Brad Whitelaw, Program Manager, Policy & Planning

The purpose of this memorandum is to provide Waste Management Planning Steering Committee (WMPSC) members with details on the implementation of the garbage tag fee increase, reason for this increase, and the next steps to be taken.

Background

- In 2012, staff were directed by WMPSC to conduct a full cost recovery review of the garbage tag fee to determine whether the current tag fee was sufficient to recover the associated garbage collection and disposal costs.
- Based on the results of this review, the garbage tag fee was approved to be increased from \$1.00 to \$2.00 per tag, effective April 30, 2012 (refer to report PW 19-2012).
- Staff have continued to complete a full cost recovery review of the garbage tag fee, on a regular basis, to ensure the fee was sufficient to recover the associated garbage collection and disposal costs.

Reason for Garbage Tag Fee Increase

As a result of the increased costs associated with the implementation of Niagara Region's new waste collection contract commencing in October 2020, the full cost recovery review determined that the garbage tag fee would need to be increased from \$2.00 to \$2.50 per tag.

The 2020 Waste Management Services Operating Budget and Requisition (refer to report CSD 70-2019), which included the \$2.50 garbage tag fee, was approved by Budget Review Committee of the Whole on November 28, 2019. Niagara Region's 2020 Fees and Charges By-law (refer to report CSD 72-2019), which included the \$2.50 garbage tag fee, was approved by Budget Review Committee of the Whole on December 5, 2019. Both reports were approved by Regional Council on December 12, 2019.

Implementation of the Garbage Tag Fee Increase

In order to provide sufficient time for staff to inform both the garbage tag retailers and residents about this price increase, as well as provide the retailers with a supply of the new \$2.50 garbage tags, the start date for the garbage tag increase was deferred until February 1, 2020.

Information letters were mailed out to all garbage tag retailers to notify them of this price increase. Retailers were instructed to place their final order for any \$2.00 garbage tags required for sale until January 31, 2020, before the end of December. Retailers were also instructed to place their order for the new \$2.50 garbage tags during the last week of January, so these tags could be delivered in time for the February 1, 2020 start date.

During the month of January, communications via social media (i.e. Facebook, Twitter, and Niagara Region's website), and a media release were utilized to inform residents of the increase in the garbage tag fee. Local Area Municipalities were also notified of the increase in the garbage tag fee.

If retailers have any \$2.00 garbage tags remaining after January 31, 2020, they may continue to sell them until their inventory has been depleted. In addition, if residents have any \$2.00 garbage tags remaining after January 31, 2020, they may continue to use them.

Next Steps

Niagara Region will continue to complete future full cost recovery reviews of the garbage tag fee to determine whether any further price increases will be required. A report will be submitted to WMPSC, if an increase is required.

Respectfully submitted and signed by

Brad Whitelaw, BA, CIM, P.Mgr., CAPM
Program Manager, Policy & Planning

MEMORANDUM

WMPSC-C 6-2020

Subject: Information on Plastic Garbage Bags

Date: Monday, January 27, 2020

To: Waste Management Planning Steering Committee

From: Susan McPetrie, Waste Management Services Advisor

This memorandum provides information on the tonnage of plastic garbage bags being collected by Niagara Region annually and the options for mitigating the use of these bags. It is provided in reference to the Councillor Information Request from the October 28, 2019 meeting of the Waste Management Planning Steering Committee, Minute Item #3.1.

Annual Tonnage of Plastic Garbage

Niagara Region does not have data for the precise tonnage or number of garbage bags being collected each year. Curbside audits do not provide counts of bags specifically, only full container equivalents. However, data from the Region's 2015/2016 Seasonal Low-Density Residential Dwelling Curbside Waste Composition Study provides a close approximation of the tonnage of garbage bags going to the landfill. For that study, waste was sorted into standard categories based on Stewardship Ontario's waste audit protocol. Garbage bags were sorted into the LDPE/HDPE film products (non-packaging) category. This category accounts for 4.16 kg/household/year or 1.3% of the garbage stream by weight. Other municipalities using the same study methodology report similar data for these products.

Mitigation

An increasingly common approach to mitigating the use of single-use plastics items, such as garbage bags, is to introduce a ban on specific products. Implementing, promoting and enforcing this type of ban at a regional level would present challenges. Many single-use plastic bans are implemented through legislation on the sale and distribution of the targeted product. As described in more detail below, this would involve determining which products are included in the ban, which businesses are subject to the legislation and how to manage products coming from outside of the region (i.e. online or other municipalities). Alternatively, a ban on the use of plastic garbage bags would require additional resources to communicate and enforce.

Single-use plastic bans have been proposed at the Provincial and Federal level. This broader level of legislation would facilitate the transition to removing single-use plastics from the waste stream. The Federal government's single-use plastics ban is scheduled

to start in 2021, however implementation details including target items, have yet to be released. At this point, a scientific assessment of plastic pollution is underway and public consultation by the Federal government is planned.

At the Provincial level, Bill 82, Single-Use Plastics Ban Act, 2019 was introduced to amend the Resource Recovery and Circular Economy Act, 2016. It specifies that within one year after the day that the Act receives Royal Assent, the minister shall amend the strategy to include a plan to identify measurable targets and timelines for the reduction and eventual elimination of single-use plastics, including plastic straws, stir sticks, expanded polystyrene foam food and beverage containers, plastic bags, disposable coffee cups and plastic water bottles intended for single use.

The intention of single-use plastics bans is to decrease the amount of plastic entering the natural environment. However, in selecting items to include in these bans, the net environmental impact must be considered as alternatives may also present significant environmental challenges. Garbage bags are an effective method of controlling litter. One of the key pathways for plastics entering the environment, waterways and oceans is from litter and inadequately managed waste. Garbage that is not secured during storage or transport is at risk of leakage to the natural environment.

Alternative or substitute products, such as compostable or oxo-degradable plastic may create their own environmental issues. Compostable materials that are disposed of in the landfill do not have the necessary conditions to breakdown (i.e. oxygen). Certified compostable materials are verified to breakdown in industrial composting facilities, not landfills. Oxo-degradable products are conventional plastic materials that include additives which, through oxidation, lead to accelerated breakdown. These materials fragment into microplastics that have the potential to remain in the environment for long periods of time.

Considerations

Since garbage bags are readily available for purchase, are not entering the natural environment and are being directed to secure landfill sites, restricting the use of garbage bags for curbside collection may be unduly onerous at this time and reduce flexibility for residents and businesses. Maintaining service users' convenience, including the ability to choose the container type that is best suited to their situation (e.g. rural residences with long driveways) may be preferred as bags are also used for containing recyclables in order to avoid windblown litter. Requiring the use of garbage cans, instead of bags, may also create a storage challenge for residents and businesses with limited space that would need to store two (2) cans for every-other-week garbage collection and potentially additional cans for occasions when the limit is exceeded (e.g. amnesty week).

Another challenge to implementing a plastic garbage bag ban at the Regional level includes defining the type of products that would be banned, as plastic bags are pervasive and many variations are available online and in retail outlets, including plastic grocery bags, which are sometimes used for containing garbage even if a garbage can is used to set out material for collection. Plastic bags are widely used for a number of functions, including lining indoor garbage receptacles and public space recycling containers in some municipalities.

Without a broader Federal or Provincial policy to support a ban, there would be additional communication and promotion resources needed to inform service users of the change. Also, in addition to the current enforcement needed on-road to ensure adherence to the existing Waste Management By-law, a garbage bag ban would require more resources to enforce.

As demonstrated by other municipalities, introducing a targeted single-use plastics ban can be a significant, multi-year undertaking. For example, in Vancouver, where a ban on foam cups and containers began January 1, 2020, a ban on plastic straws will start on April 22, 2020 and a ban on plastic bags will take effect on January 1, 2021, the process was initiated in 2016 with two (2) years of stakeholder consultation. In addition to engagement with residents, industry and other relevant stakeholders, the development of an effective single-use item reduction strategy involves identifying target products, acceptable alternatives, annual reduction targets and potential exemptions. Once the required bylaw amendments are approved, educational outreach and phased-in enforcement facilitate transition and implementation. Efforts to undertake this process at a regional level at this time should take into consideration the Federal work on single-use plastics that is currently underway.

Next Steps

Plastic garbage bags currently represent a small proportion of Niagara Region's residential waste stream by weight, approximately 1.3%. These products are being directed to secure landfill sites and are not entering the natural environment. Plastic garbage bags also provide an effective method of containing materials and preventing litter. Restricting the use of plastic garbage bags may unduly reduce service user's flexibility and convenience.

In terms of broader action on single-use plastic items, as both the Provincial and Federal levels of government move forward with legislation on these items, Niagara Region can continue to monitor that progress to determine the most effective steps to coordinate and complement those regulations. Additionally, policies and initiatives to reduce waste, including single-use plastics, will be included in Niagara Region's long-term waste management strategic plan and associated stakeholder engagement.

Respectfully submitted and signed by

Susan McPetrie,
Waste Management Services Advisor

MEMORANDUM

WMPSC-C 7-2020

Subject: Mandatory Closed-Top Garbage Containers

Date: Monday, January 27, 2020

To: Waste Management Planning Steering Committee

From: Susan McPetrie, Waste Management Services Advisor

This memorandum provides information on implementing mandatory closed-top garbage containers. It is provided in reference to the Councillor Information Request from the October 28, 2019 meeting of the Waste Management Planning Steering Committee, Minute Item #7.2.

Current By-law

Niagara Region's current Waste Management By-law allows properties with curbside collection to place their garbage in bags and/or cans. Garbage cans must have handles, but are not required to have lids. For those with lids, the lids must be removable.

There are provisions in the current by-law that target the control of animals and litter related to container set out. Section 18.1 specifies that the owner of premises shall set out for collection only containers which are sealed, as required, to prevent the attraction of animals (including insects) and the release of odours. Under section 19.1, owners of premises are required to prevent any material set out for collection to become uncontained or otherwise escape. These provisions of the by-law are enforced in response to complaints.

The City of Welland has recently approved an amendment to its Clean Yards By-law to include a requirement that garbage containers kept in yards are made of rigid, watertight construction, have a tight-fitting cover and are maintained in good condition. The by-law specifically targets containers that are in residents' yards. It does not extend to containers that are placed out at the curb, which remain under the jurisdiction of the Region.

The amendment to the Clean Yards By-law also requires that containers be located in the side or rear yard and not the front yard or porch. While the City is responsible for the enforcement of its by-law, City staff will work with the Region to coordinate on related issues, such as the Region's set out service, which allows residents who have received approval, to place garbage containers in front of their house rather than at the curb for collection.

Other Jurisdictions

A review of Niagara's thirteen (13) comparator municipalities found that two (2) municipalities, Toronto and Peel, use cart-based systems that require residents to use carts with lids for all waste streams. All of the remaining eleven (11) municipalities allow the use of garbage cans, but in only one (1) municipality, the City of Windsor, is the use of a closed-top garbage can mandatory. Windsor also requires that a plastic garbage bag be used inside the garbage can. Seven (7) of the eleven (11) municipalities that allow garbage cans do not require that the garbage can have a lid. Appendix A contains a table with the allowable containers for each of the thirteen (13) comparator municipalities.

Implications of Mandatory Closed-top Garbage Cans

Closed-top garbage cans are one option for reducing windblown litter. However, if the garbage is loose inside the can, there is potential for the material to become windblown as it is transferred into the collection vehicle.

Requiring properties to set out closed-top garbage containers may restrict choice and flexibility. In addition to affecting service users' convenience, specifically the ability to choose their preferred container type, for a subset of users, a new container would have to be purchased. For properties with long driveways or limited storage, garbage cans may present logistical challenges. With every-other-week garbage collection, residents would potentially need to purchase and store two (2) garbage cans or possibly more for occasional exceedances of the garbage container limit (e.g. amnesty week). There are also potential challenges with lids being lost or blown away. Additionally, garbage can lids may negatively impact collection time and efficiency, which has been observed during pilots which tested use of various recycling box covers.

Requiring the use of garbage cans with lids would require additional communication and promotion resources to inform service users of the change. Also, in addition to the current enforcement needed on-road to ensure adherence to the existing Waste Management By-law, more resources would be required to enforce mandatory closed-top garbage cans.

Alternatively, moving to a cart-based system would require an initial investment to provide carts to properties and an annual maintenance and replacement cost. Peel Region, which introduced carts in 2013, reported an initial cost of \$35 million to provide carts for a three (3)-stream waste system. Annual maintenance and replacement costs were estimated to be \$1 to \$3 million. Cart-based systems are also known to increase the contamination of recyclable material, resulting in decreased market value.

Next Steps

Niagara Region's current Waste Management By-law does not require garbage to be set out in a can with a lid. As in seven (7) of the Region's thirteen (13) municipal comparators, garbage cans with lids are allowed but not mandatory. Key considerations in introducing the requirement for mandatory closed top garbage cans include potential impacts on service users' convenience, flexibility and storage needs as well as additional resources required for communicating and enforcing the by-law change. Staff will continue to enforce Sections 18.1 and 19.1 of the Waste Management By-law.

As the City of Welland has recently introduced a requirement that garbage cans in yards have lids, the Region can monitor their progress with implementing this change and report back on their experience.

Respectfully submitted and signed by

Susan McPetrie
Waste Management Services Advisor

Appendices

Appendix A – Allowable Containers in Niagara Region's Comparator Municipalities

Appendix A - Allowable Containers in Niagara Region's Comparator Municipalities

Municipality	Acceptable Container Types	Lid Requirements	Garbage Bags Allowed	Garbage Containers Provided by Municipality
City of Barrie	Garbage bags and cans allowed	Garbage can, if used, must have a removable water-tight lid	Garbage bags are allowed	No
City of Hamilton	Garbage bags and cans allowed Plastic bags must be used inside containers (no loose garbage)	Not specified	Garbage bags are required inside cans. Garbage bags may also be used without the can.	No
City of London	Plastic bags and metal or plastic cans allowed	Lids are allowed, not required, and must be easily removable	Garbage bags are allowed	No
City of Markham	Clear garbage bags only The garbage bags may be placed inside a can	Not specified	Clear garbage bags are required and may be used inside can or without the without a can.	No

Municipality	Acceptable Container Types	Lid Requirements	Garbage Bags Allowed	Garbage Containers Provided by Municipality
City of Ottawa	<p>Garbage bags and cans allowed</p> <p>Plastic bags must be used inside containers (no loose garbage)</p>	Removable, water-tight lid required	<p>Garbage bags are required inside cans.</p> <p>Garbage bags may also be used without the can.</p>	No
City of Toronto	<p>Mandatory garbage carts in four (4) sizes</p> <p>For locations with special approval, a bag-only program is available for an annual fee.</p>	Carts have an attached lid that must be closed. Additional garbage must be bagged and tagged.	Garbage bags are only allowed for excess garbage with a tag or with special approval from the City.	Yes (fees depend on cart size)
City of Vaughan	Bags and cans allowed	Close fitting lids are required on cans	Garbage bags are allowed	No

Municipality	Acceptable Container Types	Lid Requirements	Garbage Bags Allowed	Garbage Containers Provided by Municipality
City of Windsor	Metal or plastic can with plastic bag (no loose garbage inside container)	Removable, water-tight lid required	Plastic bags must be inside a hard-sided container	No
Durham Region	Garbage bags and cans allowed	Lids are allowed, not required, and must be easily removable	Garbage bags are allowed	No
Halton Region	Garbage bags and can allowed	Not specified	Garbage bags are allowed	No
Peel Region	Mandatory carts for majority of households. Some homes continue to have bag-based collection.	Carts have an attached lid that must be closed. Additional garbage must be bagged and tagged.	It is preferred to use a plastic bag in the cart, but it is not mandatory.	Yes (fee for delivery, free replacement for stolen, broken and damaged carts)
Waterloo Region	Garbage bags and cans allowed	Not specified	Garbage bags are allowed	No
Simcoe County	Garbage bags and cans are allowed. Plastic garbage bags	Not specified	Garbage bags are required. May be placed inside cans.	No

Municipality	Acceptable Container Types	Lid Requirements	Garbage Bags Allowed	Garbage Containers Provided by Municipality
	must be used inside cans.			

MEMORANDUM

WMPSC-C 8-2020

Subject: Nespresso Coffee Capsule Pilot

Date: Monday, January 27, 2020

To: Waste Management Planning Steering Committee

From: Lucy McGovern, Collection & Diversion Program Manger

The purpose of this memorandum is to update members of the Waste Management Planning Steering Committee (WMPSC) on the matter respecting the approved recommendation from the WMPSC meeting held August 26, 2019 directing staff to meet with Nespresso Canada to consider implementing the Nespresso “Green Bag” pod recycling program in Niagara region.

Since the WMPSC committee meeting held in August, staff have discussed the details of a possible pilot program with Nespresso Canada. Most recently, staff have asked Nespresso to fund the test trial before a pilot project is considered. Nespresso has asked for the estimated costs and related activities for the trial. At the time of this writing, staff are currently considering the logistics of the trial and the related costs.

Additionally, staff are surveying comparator municipalities to see if any other jurisdictions are participating in a similar project. To date, staff are aware of four other municipalities that have been approached by Nespresso Canada: Hamilton, Halton, London and Guelph. Each of these municipalities have declined participation in a pilot citing concerns such as:

- Apprehension in supporting and promoting one brand over another;
- Concerns with some other brands of coffee pods claiming to be compostable or recyclable and finding their way into the blue box or green bin;
- Pressure to accept other diversion proposals from other coffee pod manufacturers;
- Ensuring effective communication to residents without further compromising the recycling stream;
- Operational concerns with separating and collecting the coffee pods at the curbside; and
- Concerns that a single item (single brand) pilot project does not considerably help waste diversion efforts when a return program is already in place through Nespresso kiosks and through a partnership with Canada Post.

Staff will continue to keep this committee updated on the negotiations with Nespresso Canada and the development of a possible trial and pilot program.

Respectfully submitted and signed by

Lucy McGovern
Collection & Diversion Program Manager

MEMORANDUM

WMPSC-C 9-2020

Subject: 2019 Illegal Dumping Summary and 2020 Mitigation Measures

Date: Monday, January 27, 2020

To: Waste Management Planning Steering Committee

From: Katelyn Avella, Contract Supervisor

This memorandum is intended to update Committee members on the Illegal Dumping Working Group's (Working Group) progress in 2019 and also respond to a Councillor request for information on mitigation measures that will be put in place to prepare for every-other-week (EOW) waste collection.

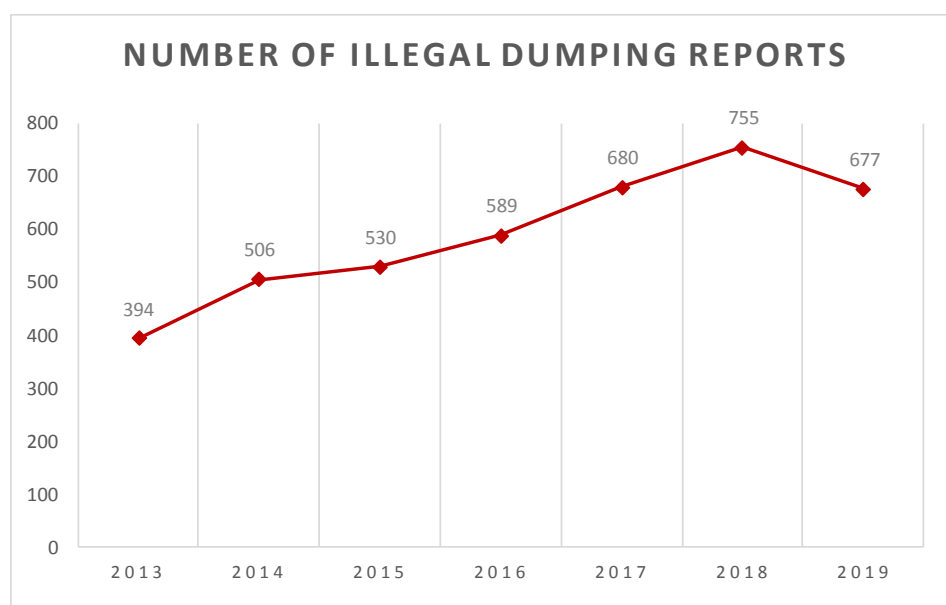
2019 SUMMARY

Throughout 2019, the Working Group's continued efforts to mitigate illegal dumping in Niagara resulted in the following:

- A total of 677 illegal dumping reports were received (see the full comparative of the illegal dumping statistics located in Appendix A):
 - 103 of the 677 illegal dumping reports were received via the Online Reporting Tool.
 - 74 warning letters were issued.
 - Five (5) offence notices were issued as a result of illegal dumping in 2019, where three (3) have resulted in a conviction and the remaining two (2) have requested early resolution set for January 2020.
- In 2019, an additional five (5) illegal dumping signs were installed in Thorold. There are a total of 116 Regional illegal dumping signs throughout the Niagara Region.
- The following list outlines the Niagara Region's continued promotion of the Illegal Dumping Campaign in 2019:
 - Student outreach
 - Social media posts regarding large item collection and garbage limits provided to Brock and Niagara College to share on their social media.
 - Student move-out flyers mailed to Brock students regarding large item collection and garbage limits.
 - Welcome Wagon participation and opportunities for face-to-face interaction with Brock students and provided promotion and education.
 - Door-knocking blitz with Niagara College for face-to-face interaction with Niagara College students and provided promotion and education.
 - Transit ads ran in May & June for eight (8) weeks.
 - Arena board advertisement ran in Niagara Falls (four (4) arenas), Thorold, Fort Erie, Grimsby and Lincoln.

- Question and answer feature on the Crime Stoppers Cogeco TV show.
- The Seniors Review (six (6) issues through the year).
- Banners (Home Shows in March/April, four (4) events).
- Feature in 2019 spring and fall Green Scene.
- 2019 Collection Guide.
- Litter bin stickers.

Since the establishment of the Illegal Dumping Working Group in 2012, illegal dumping reports from the public have continued to increase every year. However, the total number of illegal dumping reports in 2019 have decreased by 12%, from 755 reports in 2018, down to 677 reports in 2019. In 2018, a Litter Bin Blitz was conducted where staff audited various litter bins across the region to look for evidence of illegal dumping. If any illegal dumping was discovered during the Litter Bin Blitz, warning letters were issued. Due to staff resources and other priorities, these audits did not occur in 2019, which impacts the overall number of illegal dumping reports received in 2019. Litter Bin Blitz audits are scheduled for 2020.



The number of certificates of offence issued has increased from two fines issued in 2018, to five fines issued in 2019. The increase in enforcement may be partly attributed to witnesses being willing to testify in court and being knowledgeable to provide the Region with imperative supporting evidence to confirm a suspect's identity and proof of illegal dumping. Further, the illegal dumping advertising remains eye catching to residents, which will continue to create awareness and encourage residents to report illegal dumping throughout Niagara region.

MITIGATION MEASURES

Moving into 2020, it is anticipated that the number of illegal dumping reports may increase due to projections made from historical records, and may increase temporarily as a result of EOW waste collection that will take effect in October 2020.

Niagara Region reached out to municipal comparators (Barrie, Durham, Halton, Markham, Ottawa, Toronto, Vaughan, Peel and Waterloo) who have proven EOW collection as a best practice and requested information on how this transition influenced illegal dumping. Niagara Region did not receive quantitative statistics from municipal comparators; however, the Region received their comments which indicated a short-term increase to the number of illegal dumping events. No long-term issues with illegal dumping were noted. Municipal comparators also commented that material illegally dumped during the transition period were items not collected curbside; for instance, shingles, construction and renovation material and waste generated from non-residential sources were some examples of material illegally dumped.

In response to the municipal comparator comments and statistical projections, Niagara Region will be taking a proactive awareness and reactive enforcement approach to mitigate fluctuating levels of illegal dumping in 2020. Niagara Region will utilize the Working Group, promotion and education and the Litter Bin Blitz as proactive measures to help mitigate illegal dumping. Further, the Region will investigate, enforce, monitor and reward (if possible) all reports of illegal dumping on public property and roadside. All private property illegal dumping events will be dispatched to the Local Area Municipality (LAM) for follow up. Please see below for further details on each of the six mitigation measures Niagara Region will action moving forward.

1. ILLEGAL DUMPING WORKING GROUP

The Working Group has been active since 2012 where members of each LAM and the Region meet bi-annually to address and discuss issues surrounding illegal dumping.

Municipal solid waste management is evolving and in an effort to maintain the Working Group's relevancy and effectiveness, Niagara Region will be revising the Working Group's Terms of Reference. More specifically, Niagara Region and Working Group Members will review the current Terms of Reference and aim to improve the purpose, structure and operating rules of the Working Group to enhance participation, attendance and collaborative action on mitigating illegal dumping. Further, the current membership list will be updated in 2020 to give members the opportunity to elect new staff to join the Working Group and diversify collaborations and conversations surrounding illegal dumping.

Niagara Region will also be working towards aligning all set fines associated with illegal dumping across each LAM. Aligning all set fines will help to create consistency when enforcing issues of illegal dumping on public or private property. Consistent enforcement allows all by-law officers, whether municipal or regional, to take a similar approach when assessing and taking action on these types of issues.

2. PROMOTION & EDUCATION

The following list outlines the Niagara Region's strategy to continue to promote and educate residents on Illegal Dumping in 2020:

- Refresh the Illegal Dumping Campaign artwork to keep messaging relevant and eye catching (brochures, rack cards, banners, sign plates).
- Increase social media posts regarding illegal dumping.
- A subset of the new fleet of collection vehicles (October 2020) will be wrapped with refreshed illegal dumping artwork.
- Mobile App (Spring 2020) will allow the Region to forward residents' information regarding illegal dumping to their personal devices.
- Additional illegal dumping promotion and education items may be incorporated once the new communication strategy is finalized for the new waste collection services (RFP 291 Communication Strategy & Campaign for Waste Management Level Changes). The RFP closed on January 23, 2020.
- Continue installation of illegal dumping signage at 'hot spots', as determined by Niagara Region and LAMs.
- Public litter-bin stickers tailored to each municipality.
- Campaign advertising on transit systems.
- Arena board advertisements throughout the region.
- The Seniors Review (six (6) issues through the year).
- Banners (Home Shows in March/April, four (4) events).
- Feature in 2020 spring and fall Green Scene.
- Feature in 2020 Collection Guide.
- Student outreach through staff participating in the Brock Welcome Wagon and Niagara College Door Knocking Blitz.

3. REPORTING, INVESTIGATING & TRACKING

Various forms of the Region's promotion and education strongly encourage residents to report someone if they witness an act of illegal dumping or discover material disposed in a non-designated area, such as public roads, ditches, public property, rural areas, vacant lots and public litter-bins. Niagara Region offers the following three platforms for residents to report acts of illegal dumping:

1. Report online at niagararegion.ca/waste;

2. Call the Region's Waste Info-Line at 1-800-594-5542; and
3. Call Crime Stoppers of Niagara at 1-800-222-TIPS

Each reporting platform requests that residents provide as many details as possible about the illegal dumping event. The more details reported, the better chance by-law officers will have to narrow down the suspect during the investigation and reduce the chance of the suspect illegally dumping in the future. For instance, customer service staff will ask the reporter to detail the location, time, material dumped, car make/colour, license plate and description of the person or persons doing the illegal dumping. Any evidence supplied by the reporter, such as a photo or video, will also be used by the by-law officer to obtain compliance, issue a certificate of offence or issue a warning letter. During the investigation, all reporters have the option to remain anonymous or agree to testify in court when necessary.

Once a report has been submitted to Niagara Region, all associated details will be documented and forwarded to the appropriate on-road staff who will investigate and follow up with cleanup efforts. On-road staff will first conduct a site visit to the illegal dumping location and determine if the material is on public or private property. Since the Region only has jurisdiction to enforce illegal dumping on public property, all private property issues are forwarded to the LAM. If the illegally dumped material is on public property, then the on-road staff will take field notes and photos, prior to inspecting the material. Next, staff will use extreme caution and use all necessary personal protective equipment to remove all or a sample of the dumped material and conduct a detailed visual examination. If any identifiable material is discovered during the examination, the evidence will be properly stored and retained. By-law staff will then contact the suspected generator and give them the opportunity to clean up the illegally dumped material. If compliance is not achieved, the by-law officer will then explore the option to enforce the non-compliance through a certificate of offence or issue a warning letter. The level of enforcement will depend on the type and quality of evidence obtained during the investigation.

All associated documentation and evidence obtained from investigating each illegal dumping event, is properly tracked in accordance with the storage and retention standard operating procedure. Niagara Region also plots the locations of each illegal dump point and dense clusters of illegal dumping events to reveal hotspots. Hotspot locations are then used by on-road staff to monitor more frequently and help deter illegal dumping from continuing in these areas.

Beginning January 2020, Niagara Region staff will be improving the way in which illegal dumping statistics are being tracked and mapped through a user-friendly mobile app that will allow Niagara Region, and potentially LAM staff, to update records in real time. The illegal dumping statistics extracted from the mobile app will be used to make year-over-year comparisons more efficiently and will provide further insight, such as how EOW collection may impact illegal dumping. Overall, illegal

dumping statistics will continue to be analyzed on an annual basis to ensure efforts are making a positive impact to mitigate illegal dumping.

4. MONITORING & ENFORCEMENT

In accordance with the Niagara Region Waste Management By-Law 2017-56, illegal dumping is a crime and any person or owner found guilty could face a set fine of \$500 for illegally dumping on public property or \$150 for illegally dumping in a public litter-bin. A victim fine surcharge and a court fee will also be applied and charged in addition to the set fine. Niagara Region has jurisdiction to enforce acts of illegal dumping on any road or public property. All reported acts of illegal dumping on private property are forwarded to the LAM for enforcement.

Before a fine is issued in regards to illegal dumping, Niagara Region will first attempt to obtain compliance from the suspect. This means that if the by-law officer has reason to believe the person in question has in fact illegally dumped, the officer in charge will attempt to get the suspect to clean up the material immediately. If the attempt to obtain compliance is unsuccessful, Niagara Region will perform the work to clean up the material and properly dispose all material. Finally, the by-law officer will then determine the most effective method of enforcement for the illegal dumping event, which may be through the issuance of a certificate of offence or a warning letter. The type of enforcement will depend on the quality of evidence collected during the investigation.

In order to improve enforcement operations, Niagara Region Waste Management staff have developed various Standard Operating Procedures (SOPs) to help new and current staff address by-law non-compliances, such as illegal dumping issues. For instance, the Niagara Region has drafted SOPs in for: Illegal Dumping; Illegal Dumping Rewards; Completing a Certificate of Offence & Disclosure Process; and Evidence Storage & Retention. These SOPs outline systematic instructions that allow by-law officers to carry out a complex routine of enforcement operations, achieve efficiency and uniform performance.

On-road waste management staff will continue to improve enforcement procedures and be vigilant of illegal dumping. The more presence staff have in hotspot areas and the more prepared staff are on how to investigate and enforce illegal dumping, the less likely offenders will repeat illegal dumping in the future.

5. REWARDS SYSTEM

Region staff are able to respond more efficiently to reports of illegal dumping when they are reported by an eyewitness. In an effort to promote and encourage residents to report witnessed illegal dumping, Niagara Region offers a reward system for reporting illegal dumping on public property and/or roadside where compliance was

achieved and/or there has been a successful conviction. Not only do eyewitnesses lead to a better conviction rate, but they also help Region staff narrow down the suspect in an investigation. Suspects can then be issued warning letters, at a minimum, and certificates of offence where possible, to help prevent suspects from becoming reoffenders. Certificates of offence are issued once staff can positively identify the generator of the illegally dumped material through investigations.

Any person whose report of illegal dumping results in an act of compliance; for instance, the person who was reported illegally dumping, returned to the site and removed the dumped material, is entitled to a \$50 reward. Further, any person whose report of illegal dumping leads to a conviction is entitled to a \$200 reward.

Offering rewards encourages residents to report non-compliant events and as a result allows by-law officers to investigate and enforce these issues as soon as possible and get them cleaned up quickly.

6. LITTER BIN BLITZ

The purpose of the Litter Bin Blitz is threefold. First, litter-bin audits help Niagara Region proactively communicate that illegal dumping into public litter bins is not permitted. Second, it helps to increase awareness on which items should be diverted from our landfills. Finally, it decreases costs associated with investigating and removing illegally dumped materials.

Regional staff previously conducted blitz's in 2012, 2017 and 2018. The 2012 blitz was executed based on several reports from the City of St Catharines that litter bins were overflowing. The initial thought was that the collection contractor was not servicing the bins as scheduled, but upon investigation, the majority of litter bins that were cited as overflowing were in that state due to illegal dumping. During the 2012 blitz, 680 litter bins were examined, 134 household garbage bags were collected for investigation, and 32 warning letters were issued. During the 2017 blitz, 654 litter bins were examined, 118 household garbage bags were collected for investigation, and 33 warning letters were issued. During the 2018 blitz, 704 litter bins were inspected, 176 household garbage bags were collected for investigation and 43 warning letters were issued. All warning letters issued to suspects provided education on dumping into public litter bins is prohibited and educated residents how to properly dispose of waste.

A blitz is scheduled for the summer of 2020, where public space litter bins will be audited over a one (1) week period throughout St. Catharines, Grimsby, Thorold, Fort Erie and Niagara Falls. The statistics from this blitz, coupled with data from previous blitz efforts, will be plotted on a map and be used to help identify illegal dumping hot spots. These hot spots can be targeted as potential areas for illegal dumping signs and enhanced monitoring efforts. Further, issuing warning letters is a tactic that

continues to reinforce proper waste disposal practices and outlines the consequences associated with the crime of illegal dumping.

CONCLUSION

Illegal dumping continues to be an environmental, aesthetic and financial concern throughout the Niagara Region. The act of illegal dumping is not unique to Niagara, but rather all Ontario municipalities have similar challenges. Based on comments received from municipal comparators who have implemented EOW waste collection, the Region suspects that new collection methods will influence illegal dumping, but only short-term. In response to this prediction, Niagara Region's proactive awareness and reactive enforcement measures discussed in this memo will help combat increased events of illegal dumping during the EOW waste collection transition period. From a sustainability perspective, EOW week waste collection is a best practice and it is the next step to reducing Niagara Region's environmental footprint. Once residents become accustomed to adjusting their set out procedures, events of illegal dumping will level off to 'normalized' levels based on historical records. Niagara Region's Waste Management staff will continue mitigate illegal dumping through raising awareness, detailed investigation and prompt enforcement.

Respectfully submitted and signed by

Katelyn Avella
Contract Supervisor
Waste Management Services

APPENDICES

Appendix A – Illegal Dumping Statistics

Illegal Dumping Statistics

	2013	2014	2015	2016	2017	2018	2019
TOTAL ILLEGAL DUMPING REPORTS	394	506	530	589	681	755	677
ONLINE REPORTING TOOL SUBMISSIONS	42	83	112	129	115	42	103
CRIME STOPPERS REPORTS	N/A	N/A	N/A	N/A	11	1	5
WARNING LETTERS ISSUED	35	42	39	37	47	140	74
COMPLIANCES ACHIEVED	1	2	5	4	4	2	8
OFFENCE NOTICES/SUMMONS ISSUED	1	2	7	7	3	2	5
REWARDS AWARDED	N/A	1	1	5	4	2	2